



Convention on the Rights of Persons with Disabilities

Distr.: General
15 April 2015

Original: English

Committee on the Rights of Persons with Disabilities Thirteenth session

Summary record (partial)* of the 185th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 7 April 2015, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

Contents

Cooperation with other United Nations bodies, specialized agencies, organizations of persons with disabilities and other competent bodies (*continued*)

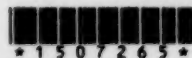
* No summary record was prepared for the rest of the meeting.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The discussion covered in the summary record began at 11.10 a.m.

Cooperation with other United Nations bodies, specialized agencies, organizations of persons with disabilities and other competent bodies (continued)

Briefing on Mongolia from organizations of persons with disabilities, civil society organizations and national human rights institutions

1. **The Chairperson** welcomed the civil society delegation from the State party of Mongolia.
2. **Mr. Ajirshavgaan** (Civil society delegation, Mongolia) said that, although the Mongolian Government had taken some action, it had made no comprehensive effort to ensure the implementation of the Convention. Since 2009, when Mongolia had ratified the Convention, amendments had been made to the laws on construction and transportation, for example, but the amended laws were not enforced. Change had taken place only on paper. In addition, the Mongolian authorities' approach to disability issues was informed by their reliance on the medical model of disability, legislation prohibiting discrimination was lacking and the right to participation in political and public life was barely observed.
3. **Ms. Lumben** (Civil society delegation, Mongolia) said that, because persons with disabilities were not invited to take part in policymaking, issues of interest to them were not generally reflected in legislation. When they were, which was all too rare, the lack of enforcement meant that on the ground nothing changed. A bill on the rights of persons with disabilities had been in preparation since 2013, but, because the final draft had not taken their comments into consideration, civil society organizations had asked that consideration of the bill should be postponed until late May 2015. A department for disability affairs had been established in the Ministry of Population Development and Social Protection, but it did not have the power to ensure intersectoral coordination or take high-level decisions.
4. **Mr. Togoogurjav** (Civil society delegation, Mongolia) said that current policy and practice in Mongolia highlighted the lack of awareness of disability issues at all levels of Mongolian society. It was even commonly believed that disabilities were punishment for misdeeds in a previous life. The Government, however, had made no efforts to combat misunderstandings and change the public's perception of persons with disabilities.
5. **Ms. Bat** (Civil society delegation, Mongolia) said that under the Motor Transport Act 10 per cent of the vehicles of public transport companies with a fleet of more than 20 vehicles must be equipped for persons with disabilities. However, none of the more than 2,000 buses operating in Ulaanbaatar were equipped for wheelchair users or passengers with visual or hearing impairments. Other laws, including those regulating building and urban planning, also contained provisions on accessibility, but most Mongolian roads and buildings were not accessible to persons with disabilities, mostly because those laws did not contain a requirement to make existing infrastructure accessible. A company that violated the accessibility provisions of the building code would be liable to a maximum fine of less than US\$ 4,000. Data on how many such fines had been paid were unavailable.
6. An accessible environment for people with hearing and visual impairments had not been created. Television and newspapers were largely inaccessible to persons with disabilities. In all, the country's 61 television channels offered a single 40-minute programme with sign-language interpretation. Deaf and deaf-mute persons were unable to call the emergency services. The Government had taken no action to use information technology to ensure that persons with disabilities could exercise their right to receive and impart information.
7. **Ms. Dondovdorj** (Civil society delegation, Mongolia) said that, despite the protection afforded by the Constitution, women and children with disabilities in Mongolia

were highly vulnerable to exploitation and abuse, much of which was hidden from view. More than one third of the women with disabilities who had responded to a survey reported that they had suffered extensive sexual abuse. More than 12 per cent had said that it was common, while some 40 per cent had said that they had not understood the question. That had been the first such survey to be undertaken in Mongolia.

8. There were several reasons for the widespread sexual abuse of women and children with disabilities. The laws on domestic violence, to take one example, made no provision for the unique needs of persons with disabilities and the few shelters operating in the country were unable to accommodate them. In addition, no sign-language interpretation was provided for persons with disabilities who were victims of abuse. Lastly, although the police, health workers and social workers were given training in how to help victims of abuse, none of that training focused on working with persons with disabilities.

9. **Mr. Chuluundavaa** (Civil society delegation, Mongolia) said that the right of persons with disabilities to live in the community was poorly understood by Mongolian decision makers and society as a whole. The care of persons with disabilities was the responsibility of a working-age family member and the result was that families with a member who had a disability had considerably lower incomes than the average household. In addition, the family member responsible for the care of the person with a disability often had to forgo paid employment, an obligation that commonly led to poverty and feelings of isolation. Persons with disabilities themselves, aware of the burden they imposed, often kept quiet and tried to attract as little attention as possible.

10. **Ms. Sambuu** (Civil society delegation, Mongolia) said that an inclusive education programme had come into force five years earlier but little to nothing had been done since, not even an evaluation of the programme's results. Statistical information on the numbers of children with disabilities in Mongolia was conflicting. According to the National Statistics Office, for example, there were just under 11,000, whereas data from a survey conducted by civil society organizations suggested that there were three times as many. Those conflicting findings were evidence that Mongolia still struggled to identify persons with disabilities and their particular needs, thereby making it hard for them to exercise their right to an education. In Ulaanbaatar, according to survey data, some 60 per cent of school-age children with disabilities simply stayed at home. In rural areas, that percentage was higher still.

11. The shortcomings of teacher training were another obstacle to promoting inclusive education. The Government was even considering removing classes on special needs education from the curriculum at teacher training colleges. Other problems included the school system's failure to make greater use of the special technologies that would enable more children with disabilities to get an education and curricula that, with their excessive standardization, left no room for individual differences in ability.

12. **Mr. Langvad** asked the civil society delegation to identify two to four of the most pressing issues for the Committee to focus on in its dialogue with the Mongolian Government.

13. **Mr. Buntan** asked whether the international development assistance received by Mongolia had had a positive impact on the capacity of the country's representative organizations of and for persons with disabilities to influence laws and policies affecting persons with disabilities. He asked the civil society delegation for ideas on how to overcome the considerable obstacles to providing services in a country as large and as sparsely populated as Mongolia.

14. **Ms. Peláez Narváez** asked whether the State party's laws regarding incest contained provisions referring specifically to women and children with disabilities. She also wished to know whether incest led to forced abortions or sterilization and what the State could do to

allow victims of sexual abuse to live in an environment free from violence. Information on whether girls with disabilities were treated differently from boys would likewise be welcome.

15. **Mr. Kim Hyung Shik** requested information on the employment of persons with disabilities and further details on the ways that persons with disabilities were treated in general.

16. **Ms. Kingston** said that she would appreciate information about the situation of persons with psychosocial disabilities.

17. **Mr. Trömel** (Committee of Experts on the Application of Conventions and Recommendations, International Labour Organization (ILO)) said that Mongolia had received technical assistance from ILO, with a focus on vocational training for persons with disabilities. ILO had also made contributions, many of them relating to persons with disabilities, to the amendments currently being made to Mongolian labour law. The Committee of Experts on the Application of Conventions had recently invited Mongolia, which had ratified all the fundamental international labour conventions, to provide further information on the measures it had taken to promote vocational rehabilitation and employment opportunities for persons with disabilities, as well as any relevant statistics.

18. Persons with disabilities were undercounted in Mongolia and their fitness for work determined whether they were considered to have a disability in the first place, an approach that was likely to prevent them from exercising their right to employment. Consultations on the method of determining disabilities should therefore be held with workers, employers and organizations of and for persons with disabilities. Few of the vocational training schools in the country were able to accommodate persons with disabilities and they were given training, often apart from the other students, in only a small number of trades. Only one such school provided training specifically for persons with disabilities, although others had begun to meet their needs. As a result of physical and educational barriers, higher education in Mongolia was all but inaccessible to them. The State's express commitment to reform in that area was welcome.

19. Survey data from 2010 showed that the large majority of persons with disabilities in Mongolia were unemployed. Employers often failed to meet the legally established quotas for their employment, opting instead to make a payment to a fund that provided them with vocational training. A well-intentioned law stating that persons with disabilities could work no more than 36 hours a week was also likely to keep their wages low, create disincentives and reinforce the belief that workers with disabilities did not have the stamina of their non-disabled peers. Regarding workplace conditions, he said that Mongolia should consider the denial of reasonable accommodation a form of discrimination. The wording of the draft labour legislation would have to be changed to bring it into line with the Convention, as would laws that made no provision for the situation of workers who acquired a disability in the course of their employment. Those issues should be addressed in close consultation with the relevant stakeholders.

20. **Ms. Dondovdorj** (Civil society delegation, Mongolia) said that the pressing issues were the participation of persons with disabilities in decisions affecting them, the provision of reasonable accommodation, the establishment of a body to monitor the implementation of the Convention throughout the country and inclusive education. Raising awareness of the potential of persons with disabilities was also a priority. Persons with psychosocial disabilities did not have strong representative organizations and as a result their rights were often violated. The degree to which organizations of persons with disabilities benefited from international assistance depended on the capacity of the various international organizations in Mongolia.

21. **Ms. Bat** (Civil society delegation, Mongolia) said that Mongolia had no statistics on the number of women and girls with disabilities who were victims of sexual abuse. Women's issues were often overlooked. Forced abortion was possible in some circumstances.

22. Employment prospects for persons with disabilities were poor, not least because the Government had no real policy on promoting their employment. Vocational training was limited and the penalties paid by employers for failing to meet employment quotas were too low to dissuade them from ignoring the law.

23. **Ms. Sambuu** (Civil society delegation, Mongolia) said that services for children with disabilities were few, and nearly all were centred in Ulaanbaatar. Such children were often subjected to degrading treatment in school and as a result they tended not to leave home. Special education schools did not adequately prepare their students for secondary education.

24. **Mr. Togoogurjav** (Civil society delegation, Mongolia) said that in remote areas of the country persons with disabilities lacked access to any welfare services. As a rule, they did not even know what social services they were entitled to. Regarding criminal proceedings, he said that, when persons with disabilities were accused of a crime, the conditions were such that, even if they were innocent, they preferred to plead guilty.

The discussion covered in the summary record ended at 12.05 p.m.



**Convention on the Rights
of Persons with Disabilities**

Distr.: General
20 April 2015

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Committee on the Rights of Persons with Disabilities
Thirteenth session

Summary record of the 186th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 7 April 2015, at 3 p.m.

Chairperson: Ms. Cisternas Reyes

Contents

Consideration of reports submitted by States parties under article 35 of the Convention
(continued)

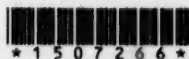
Initial report of the Dominican Republic

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention (continued)

Initial report of the Dominican Republic (CRPD/C/DOM/1; CRPD/C/DOM/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Dominican Republic took places at the Committee table.*
2. **Mr. Corporán Lorenzo** (Dominican Republic), introducing his country's initial report (CRPD/C/DOM/1), said that, since the submission of the report, significant progress had been made in the inclusion of persons with disabilities. The National Council on Disability (CONADIS), which he headed and which oversaw public policies relating to persons with disabilities, enjoyed strong support from the presidency of the Republic. CONADIS had seen its budgetary allocation nearly double during the past three years. Another sign of high-level political support was the establishment of centres for the inclusion of persons with disabilities, with particular emphasis on the needs of children with disabilities. The accessibility of the presidential palace had been improved and the Advisory Board on Children with Disabilities had been established, composed of representatives of government bodies, civil society organizations and international cooperation partners. A campaign to raise awareness of the rights of persons with autism had been held just a few days earlier.
3. Since the ratification of the Convention in 2009, much had been done to harmonize domestic legislation with the Convention's provisions. Nationwide consultations on regulations to implement the Organic Act on the equality of rights of persons with disabilities (Act No. 5-13) were in their final phase. Work was also being done to bring the Civil Code, the Criminal Code and the Labour Code into line with the Convention.
4. The 2010 census and a household survey conducted in 2013 had included a number of questions on persons with disabilities, providing a basis for future public policy and investment in that field. The survey had revealed widespread negative perceptions of persons with disabilities; as a result, steps would be taken to change attitudes and combat a culture of exclusion that dissuaded many families from registering relatives with disabilities with the authorities.
5. The Government was working with the private sector to promote accessible tourism, combat illiteracy among persons with disabilities, and provide vocational training for such persons. A programme entitled "Coming Out of Hiding" (Saliendo del Escondite) had been launched to encourage persons with disabilities to participate in cultural activities and sports. The Government made every effort to convey the message that, if persons with disabilities were placed at the centre of decision-making that affected them, they could be a source of inspiration and make a valuable contribution to society.
6. **Ms. Quan-Chang** (Country Rapporteur) asked what steps the State party intended to take to eliminate from the Civil Code any legal regimes under which persons with disabilities were partially or fully denied legal personality. She asked how the State party intended to ensure that persons with disabilities could freely take decisions and receive the assistance they required to express their preferences and wishes in line with article 12 of the Convention, on equal recognition before the law, and with the Committee's general comment No. 1 (2014) on that article.
7. It was essential to establish legal definitions of discrimination based on disability and of multiple and intersectional discrimination. She urged the State party to draw up regulations governing reasonable accommodation in a number of fields, including

employment, education and access to justice. She asked how many sentences had been handed down for discrimination against persons with disabilities. She enquired what had been done to ensure that persons with disabilities could work as legal professionals and to provide relevant training for police, investigative and judicial officials. She asked what steps had been taken in the tourism sector to improve access to transport, tourist sites, and information and communication. Were there plans to make all hospitals, libraries, educational establishments and voting centres fully accessible to persons with disabilities?

8. She asked when the State party intended to grant Dominican sign language official status and to become a party to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. She requested additional information on measures taken to improve access to health services, particularly sexual and reproductive health services. She asked how irregular migrants with disabilities, particularly those of Haitian origin, were ensured access to health care, rehabilitation and other disability-related services. She enquired what services the State party intended to develop for persons with disabilities in rural areas. She asked whether the State party had investigated the trafficking and exploitation of women and children with disabilities and whether a strategy had been developed for the deinstitutionalization of children with disabilities living in the Angels' Home and adults with disabilities in other institutions, such as psychiatric hospitals.

9. The fact that no regulations to implement Act No. 5-13 had yet been adopted meant that the Act could only be applied in a limited manner. Consequently, she would appreciate more information on the situation of persons with disabilities seeking decent work. She asked how such persons were included in poverty reduction plans, programmes and strategies, particularly in the light of related costs such as those for medication and specialized equipment. She asked what measures the State party had taken to set up an independent body responsible for overseeing the Convention's implementation and to involve organizations of persons with disabilities in the running of that body.

Articles 1-10

10. **Ms. Kingston** asked how the concept of disability was reflected in domestic legislation and how the State party intended to harmonize the definitions of disability in its legislation. She requested information on the extent to which persons with disabilities were involved in the development, application and assessment of legislation and policies on the implementation of the Convention. She asked whether persons thus involved reflected the diversity of persons with disabilities in the Dominican Republic, including, for example, representative numbers of members of ethnic minorities and persons from rural areas.

11. The lack of information and statistics on cases of discrimination on the grounds of disability and the lack of effective complaint mechanisms relating to accessibility were causes for concern. Furthermore, the concept of reasonable accommodation as included in domestic legislation seemed ambiguous and was not cross-cutting.

12. She asked for information on the accessibility of gender violence units and shelters to women and girls with disabilities. She enquired how the State party promoted decision-making by women with disabilities and how it intended to make more use of public media to promote positive images of persons with disabilities. She asked what steps were taken to fund and support awareness-raising relating to disabilities.

13. **Mr. Tatić** asked for information on the mandate of CONADIS and whether all laws and policies concerning the rights of persons with disabilities were reviewed by that body prior to adoption. He said that the Committee had been informed of cases in which blind persons had been denied access to banking services in the State party. He asked what the State party was doing to eliminate such breaches of the Convention. He stressed the

importance of mechanisms for monitoring the implementation of disability standards and of sanctions in cases of non-compliance.

14. **Ms. Degener** asked whether there were any plans to legally define denial of reasonable accommodation as a form of discrimination and whether domestic legislation contained any provisions on intersectional discrimination. She asked whether women with disabilities were included in the National Plan for Gender Equality and Equity for the period 2007–2017 and, if so, whether a distinction was made between measures for their development, advancement and empowerment. She wondered whether any measures had been taken to ensure that children with disabilities could make their voices heard on matters relating to their lives. She asked whether steps had been taken to raise awareness of the human rights model of disability through the media.

15. **Mr. Ruskus** asked what measures the Government was taking to combat discrimination and cultural prejudice and promote access to social services, health care and education for immigrants with disabilities and persons with disabilities deprived of Dominican citizenship.

16. **Mr. Basharu** asked whether the State party would be willing to bring all domestic legislation into line with the Convention in order to address shortcomings in the use of disability-related terminology. Regarding the issue of wheelchair users lacking access to banking services, he wished to know whether the State party intended to eliminate such discriminatory practices. He asked how effective the campaigns carried out by the State party to raise awareness of the Convention among the general public and in government circles had been.

17. **Mr. Langvad** asked what measures or indicators had been developed to gauge the implementation of the Convention and whether any steps had been taken to amend domestic legislation in order to make reasonable accommodation a reality in all fields. He asked how organizations of persons with disabilities had been involved in setting development priorities, how ratification of the Convention had altered the kind of support provided to such organizations and what new priorities had been set since the ratification of the Convention.

18. **Ms. Peláez Narváez** requested clarification concerning the percentage of the Dominican population with disabilities. She asked why the National Plan for Gender Equality and Equity for the period 2007–2017 did not include specific measures for women and girls with disabilities and whether the State party planned to rectify that situation. She wished to know whether organizations representing women and girls with disabilities participated in the official follow-up mechanisms for policies promoting gender equality.

19. She was concerned at the lack of professionals trained to take a human rights approach to children with disabilities, especially in areas such as education and health. She asked how the State party planned to ensure that the staff of the National Council for Children and Adolescents could assist children and adolescents with disabilities, and whether the Council included organizations representing children and adolescents with disabilities. She asked what protection mechanisms for children with disabilities were provided for in the Code for the System of Protection and the Fundamental Rights of Children and Adolescents (Act No. 136-03) and Act No. 24-97 on domestic violence, in particular to prohibit the exploitation of children with disabilities for the purposes of begging. She requested information about the types of protection afforded to children with disabilities by the National Directorate of Victim Support and the Office of the Special Prosecutor on Trafficking and Smuggling in Persons, which were under the authority of the Attorney General's Office.

20. **Mr. Parra Dussan** asked what sanctions the Government planned to prescribe for the offence of discrimination on the grounds of disability. He asked whether any study had

been conducted of the potential positive impact on tourism revenue of providing fully accessible tourism services, given the large number of persons with disabilities who might be attracted by such services.

21. **Mr. Lovász** asked how the State party intended to respond to the deaf community's request for the legal recognition of Dominican sign language. He asked what services had been established or were being considered to provide sign language interpretation, particularly in the fields of education and employment, and what training opportunities were available to sign language interpreters.

22. **Mr. Al-Tarawneh**, recalling that the post-2015 development agenda was currently being drafted, asked what measures the State party was taking to mainstream disability into its national development goals. Aside from the steps it had taken to ensure access by persons with disabilities to the presidential residence, did the State party have a more comprehensive national action plan for improving the accessibility of buildings?

23. **Ms. Quan-Chang** requested clarification of the state of completion of the implementing regulations for Act No. 5-13 and asked how the State party planned to involve organizations of persons with disabilities more closely in their formulation. She wished to know how the State party planned to include such organizations in consultations concerning the preliminary bill on the National Development Strategy and those concerning public policy in general.

24. **The Chairperson**, speaking in her personal capacity, asked to what extent interministerial activities included persons with disabilities who belonged to indigenous communities or were of African descent. She wondered whether those minority groups, as well as persons of Haitian origin, were consulted with regard to the formulation of the National Development Strategy.

25. She had received information to the effect that experimental treatments involving a "miracle mineral solution" and stem-cell therapies for autism were being advertised in the Dominican Republic to parents of children with autism. Given that those treatments could be harmful and even life-threatening, she asked what measures the State party was taking to control their use.

The meeting was suspended at 4.05 p.m. and resumed at 4.30 p.m.

26. **Mr. Corporán Lorenzo** (Dominican Republic) said that CONADIS had endorsed the official recognition of sign language in the preliminary bill on sign language and Braille that had been submitted to the Senate. The work of CONADIS on proposals for amendments to the Civil Code, the Labour Code and the Ground Transit and Transport Act had been formulated in accordance with the Convention and Act No. 5-13. Article 147 of the latter provided that all discriminatory terms used in official documents to refer to persons with disabilities were to be eliminated and that the term to be used henceforth was "persons with disabilities".

27. A major achievement of Dominican civil society was the fact that there were currently two disability advisers to the House of Representatives, both of whom were persons with disabilities. That meant that civil society was now better placed to influence Congress directly, and it showed that efforts to implement the Convention also strengthened civil society in the Dominican Republic.

28. Article 58 of the Constitution, which embodied the main objectives of the Convention, stipulated that the State was to promote, protect and ensure the enjoyment by persons with disabilities of all their human rights and fundamental freedoms on an equal basis with others, and that it was to adopt the necessary positive measures to promote their integration within the family, the community and the workplace, as well as within the social, cultural and political life of the country.

29. Consultations held as part of the process of harmonizing national legislation with the Convention had revealed widespread ignorance of the rights of persons with disabilities throughout the country. That was attributable to a lack of broad campaigns to promote knowledge of the Convention and of the State's obligations. Proposed implementing regulations were currently the focus of consultations with the government institutions that would be responsible for their cross-cutting implementation.

30. CONADIS was working with the banking supervisory authority to establish a general policy of access to the banking system for persons with disabilities. The policy would be included in a revised version of the customers' manual. CONADIS was also working on a similar plan for the People's Association of Savings and Loans Institutions. In carrying out those efforts, CONADIS had received valuable input from civil society organizations, especially the National Association of Deaf Persons, which represented some 150,000 persons in the Dominican Republic. They, along with other categories of persons with disabilities, represented a largely untapped market segment for financial institutions.

31. CONADIS was working with the Dominican Federation of Municipalities to increase awareness of the rights of children and adolescents with disabilities among local authorities and foster a municipal culture of inclusion.

32. It was also working with the media to raise awareness of the various issues related to persons with disabilities. Under a cooperation agreement with CONADIS, the State broadcasting agency produced a weekly television programme dedicated exclusively to disability issues, with topics such as inclusiveness in communications, employment and education; appropriate terminology to describe persons with disabilities and issues concerning them; the rights of persons with disabilities; Act No. 5-13 and its implementing regulations; and profiles of persons with disabilities who were considered role models. Progress had been made in securing sign language interpretation for official broadcasts.

33. CONADIS had drafted a booklet, available in Spanish and English, about appropriate terminology for referring to persons with disabilities. The Ministry of Education had produced a version of the booklet for teaching in primary schools, and CONADIS had presented it at regional meetings, where it had been well received, and hoped to see a regional awareness campaign built around its contents.

34. The Dominican Republic had a universal health-care system. A community-based rehabilitation programme had been launched in border areas, and a humanitarian corridor had been established for victims of the Haitian earthquake.

35. In keeping with the State's obligation to strengthen organizations of persons with disabilities, CONADIS had held consultations to gather information and was currently providing capacity-building, technical assistance and project support. It had calculated parity indicators for persons with and without disabilities in the areas of education, health, employment, civil registration and social security coverage. It had also provided support to organizations of persons with disabilities through meetings organized in conjunction with the Ministry of Culture. Organizations were offered assistance in formulating grant proposals for projects; to date, at least a half-dozen projects had been approved, and it was hoped that some might attract assistance from international donors. In conjunction with the Office of the President, CONADIS was working to develop social networks of persons with disabilities.

36. The fact that sections on disability had been included in the 2010 census and the 2013 national household survey was a considerable achievement and a cause for optimism. The collection of such data on persons with disabilities would necessarily support efforts on their behalf.

37. A major conference on accessible tourism, involving participants from Latin America and the Caribbean and other parts of the world, would take place in Santo Domingo from 22 to 24 July 2015. The support of Committee members and experts on accessible tourism in ensuring the success of the event would be welcomed. The aim of the event was to demonstrate to the private sector that accessible tourism for persons with disabilities and older persons was a promising market niche. The Government was convinced of the potential value of accessible tourism for the country's development and believed that focusing on accessible tourism would also promote accessibility in related areas, such as transport, communication and technology. It would also enable greater inclusion of persons with disabilities in the labour market. CONADIS was working with the national hotel association and small businesses to provide industry workers with technical guidance and training on accessibility and on decent treatment of persons with disabilities. CONADIS was a member of the national panel for the certification of the country's beaches, as physical accessibility was one of the criteria for such certification. There were currently 21 certified beaches in the Dominican Republic, and efforts were under way to increase that number. The issue of accessible tourism was also addressed as part of international cooperation.

38. Reasonable accommodation was an extremely important factor for inclusion and an indicator of the State party's commitment to inclusion. The public education system presented major challenges in that regard. For example, in developing literacy programmes, it had been necessary to prepare special materials for deaf and blind persons. Progress was being made in terms of sign language, although there was still much room for improvement in the justice and health sectors, and cooperation was under way with the World Association of Sign Language Interpreters with a view to the certification of Dominican sign language interpreters. There were many examples of reasonable accommodation in employment. One NGO focused on the inclusion of persons with intellectual disabilities in the labour market, and one State-run company, for example, had 50 employees with disabilities in a variety of positions.

39. The National Development Strategy took account of the Millennium Development Goals relating to the rights of persons with disabilities, and relevant indicators were being prepared. It was hoped that the conference in July 2015 would set the standard for the approach to disability in the post-2015 development agenda. His Government's goal was to ensure that all persons in the country enjoyed equal rights and had an equal chance at happiness.

Articles 11–20

40. **Ms. Kingston**, referring to the State party's National Emergency Plan, asked what measures were in place to ensure the protection of persons with disabilities, including deaf persons, in the event of a disaster or other emergency. She asked the delegation to comment on reports that emergency response personnel were not adequately trained to assist persons with disabilities. She would welcome more information on the State party's plans to bring its legislation into line with the Committee's general comment No. 1. She asked how the Government intended to facilitate access to registration and documentation by persons with disabilities. She requested further information on support mechanisms to enable persons with psychosocial disabilities to live and participate in the community and on how the situation of persons with such disabilities was addressed in policymaking.

41. **Mr. Tatić** asked whether any training was provided to the judiciary and to law students on the Convention and Act. No. 5-13.

42. **Mr. Langvad** asked what steps were being taken to give persons with all kinds of disabilities the opportunity to live independently in their local communities. He wished to know more about the perception and understanding of independent living in the Dominican

Republic. He wondered what specific measures were taken to ensure that there would be no forced sterilization of children or adults with disabilities. Were there any specific campaigns addressing the sterilization of persons with disabilities?

43. **Mr. Buntan** asked what measures were taken to provide information in accessible formats to persons with disabilities, especially deaf, deaf-blind and blind persons and persons with intellectual disabilities, in case of emergency. He wondered whether the Government had any policies or positive measures to promote the role of persons with disabilities themselves in improving the accessibility of the justice system – for example, by helping them to advance in legal professions and serve on juries. Was any reasonable accommodation made for persons with disabilities in such positions? He enquired what policies were in place to ensure that refugees and other immigrants with disabilities, including those from Haiti, were able to access the necessary services.

44. **Mr. Kim Hyung Shik**, expressing concern at the fact that the State party had not dealt with the provisions of article 19 of the Convention, on independent living, asked whether there were any plans to focus on deinstitutionalization. He requested information on the institutional population in terms of types of disability, gender and age structure.

45. **Mr. Parra Dussan** asked how access to justice could be guaranteed for persons with disabilities if free sign language interpretation services were not available for deaf persons. Noting that many Dominicans lived abroad, he enquired how the Government guaranteed that persons with disabilities could live comfortably in the Dominican Republic rather than being forced to emigrate.

46. **Ms. Peláez Narváez** said that she would welcome replies to the concerns she had raised earlier. She asked how the Department of Families, Children, Young People and Gender of the Supreme Court supported and protected women and girls with disabilities in their efforts to access justice, including by assisting them with legal costs. She wondered what effective remedies were available for women and girls with disabilities who had suffered violence. She asked what steps the State party had taken in response to the various concerns about the situation of women and girls with disabilities expressed by the Committee on the Elimination of All Forms of Discrimination against Women in 2013 in its concluding observations on the combined sixth and seventh periodic reports of the State party (CEDAW/C/DOM/CO/6-7). She would welcome information on how women and girls with disabilities were protected from sexual abuse and domestic violence.

47. **Ms. Degener** asked what provisions were in place to protect children with disabilities, including in particular children with autism, from scientific and medical experimentation, such as stem-cell procedures and the “miracle mineral solution”. She would welcome an update on action taken to protect persons with disabilities, especially women, from violence, exploitation and abuse, and wondered whether there had been any follow-up to the study by the Women with Disabilities Circle (CIMUDIS) on access to sexual and reproductive health services.

48. **Ms. Quan-Chang** asked how the State party protected women with disabilities from being subjected to sterilization without their informed consent. Noting that the Committee had received confidential reports that psychiatric institutions administered treatments such as electroshock therapy, which the Committee considered a form of torture, she asked what the State party was doing to prohibit such obsolete treatments and whether an independent authority supervised psychiatric institutions to ensure that they did not administer treatment amounting to torture. She was concerned that many children with disabilities of Haitian origin were not eligible for services for persons with disabilities in the Dominican Republic. She enquired what the State party was doing to comply with the recommendations on services for children with disabilities contained in the concluding observations by the

Committee on the Rights of the Child on the combined third to fifth periodic reports of the State party (CRC/C/DOM/CO/3-5).

49. **The Chairperson**, speaking in her personal capacity, asked whether the State party had any statistics on persons with disabilities under guardianship regimes, and what measures had been adopted to restore their legal capacity. She enquired whether the criterion of being a danger to oneself or others was used to justify the involuntary institutionalization of persons with disabilities. She asked what measures the courts took in response to declarations that persons implicated in a crime had a psychosocial disability, and whether reasonable accommodations and adequate health and rehabilitation services were provided for prisoners with disabilities. She would welcome information on what measures were being taken to halt trafficking in persons with disabilities for the purposes of participating in begging rings, and what support was available for the reintegration of victims of such trafficking into society.

The meeting rose at 5.55 p.m.



**Convention on the Rights
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities
Thirteenth session**

Summary record of the 187th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 8 April 2015, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

Contents

Consideration of reports submitted by States parties under article 35 of the Convention
(continued)

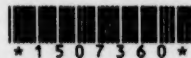
Initial report of the Dominican Republic (continued)

This record is subject to correction.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 35 of the Convention (continued)

Initial report of the Dominican Republic (continued) (CRPD/C/DOM/1; CRPD/C/DOM/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Dominican Republic took places at the Committee table.*

Articles 11–20

2. **Mr. Corporán Lorenzo** (Dominican Republic) said that he would answer questions asked at the previous meeting about the implementation of articles 11 to 20 of the Convention and also provide other information. He emphasized that the State recognized the right of persons with disabilities to the equal protection and equal benefit of the law. Article 39 of the Constitution expressly provided that all persons were born free and equal before the law and should receive equal protection and treatment from institutions, authorities and other persons and enjoy equal rights, freedoms and opportunities, without discrimination for reasons of gender, colour, age, disability, national origin, family ties, language, religion, political or philosophical opinions, or social or personal conditions. A legal definition of discrimination on the basis of disability had been established, but no data were available regarding the number of cases of such discrimination brought before the courts.

3. The Government had taken a number of steps to promote the rights of persons with disabilities and to encourage greater social awareness with regard to them. It had also made concerted efforts to mainstream disability within national policies and strengthen cooperation with organizations representing persons with disabilities.

4. The Government had drafted a comprehensive set of building regulations and national standards on universal accessibility to ensure that persons with disabilities could access the physical environment, including public buildings such as hospitals and schools, on an equal basis with others. It was also considering ratifying the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakesh Treaty).

5. The National Council on Disability (CONADIS) had included a number of specific provisions for persons with disabilities in the National Emergency Plan, namely the introduction of International Sign interpretation for all official public safety announcements and the provision of leaflets in easy-to-read formats describing what to do in an emergency. The Government had also worked in partnership with World Vision International to devise a strategy for the identification of persons with disabilities in vulnerable areas for priority evacuation.

6. The Government had repealed national legislation that restricted or contravened the principle of the legal capacity of persons with disabilities and was implementing the Brasilia Regulations Regarding Access to Justice for Vulnerable People. Awareness-raising workshops on ensuring effective legal protection for persons with disabilities had been held for members of the judiciary, and a national technical committee comprised of representatives of the judiciary, the Public Prosecution Service and CONADIS had prepared guidelines on facilitating the role of persons with disabilities as direct and indirect participants in legal proceedings. Free legal aid was provided for vulnerable victims and offenders, including persons with disabilities, who could not afford paid legal representation.

7. The "Coming Out of Hiding" (Saliendo del Escondite) programme provided for the establishment of a network of community-based services and support for persons with disabilities, particularly in rural and remote areas. A monitoring committee had been established to track the implementation of the programme and identify underserved areas that required additional funding or support. The programme was run in close partnership with civil society and local authorities.
8. Steps had been taken to uphold the right of persons with disabilities to found a family and to prevent their forced sterilization. The Government also actively recognized and upheld the right of persons with disabilities to take part on an equal basis with others in cultural life, recreation, leisure and sports and had established a series of poverty reduction programmes that guaranteed the right of such persons to an adequate standard of living and social protection.
9. No data were available on the active involvement of persons with disabilities and their organizations in the preparation and development of national poverty reduction strategies, on the number of persons with disabilities having access to health services, on the literacy rate among persons with disabilities or on their rate of inclusion within the community. However, the Government intended to collect disaggregated data on those areas in preparation for the next periodic report.
10. Steps had been taken to increase the involvement and participation in the monitoring process of civil society, in particular persons with disabilities and their representative organizations, and specifically through the "Coming Out of Hiding" programme.
11. Under the Constitution all persons in the country, including refugees, enjoyed the right to freedom of movement. They were also entitled to the health and education services provided by the State.
12. Family placement was promoted to ensure that children enjoyed their right to live in a family environment and that periods of institutionalization were ever shorter and less frequent. A strategy was in place to help families maintain their ties with their children.
13. An immigration rule that had made it difficult for persons with disabilities to establish residency in the Dominican Republic had been repealed by the Organic Act on the equality of rights of persons with disabilities (Act No. 5-13).
14. An advisory board bringing together representatives of NGOs, international organizations, the Dominican Government and other stakeholders had recently been established with a view to helping public institutions design and implement public policy inclusive of persons with disabilities.
15. The Public Prosecution Service had set up a department to provide free legal aid to victims of criminal offences who were unable to afford a lawyer. One of the department's primary missions was to provide legal aid to women and children who were victims of domestic violence and sexual abuse. The department was cooperating with CONADIS to train the lawyers who provided free legal aid and raise their awareness of disability issues. Interview centres for vulnerable witnesses and victims had been created in response to the problems of child abuse and commercial sexual exploitation. Depositions were taken at those centres and could later be submitted as evidence in court. An approach inclusive of children with disabilities was being taken to draw up the current road map for the prevention of violence against children. The Ministry of Women had pledged to offer psychological and legal counselling, as well as training materials, to the members of the Women with Disabilities Circle who were affected by violence.
16. The Ministry of Health had created an advisory board on stem cell therapy that was drawing up standards for the use of such therapy for illnesses for which its effectiveness had been demonstrated in clinical trials. The National Commission on Bioethics, for its part,

monitored compliance with the regulations on the use of human subjects for biomedical research. The Commission was advised by domestic and international organizations. The Ministry of Health also promoted awareness of Act No. 12-06 on mental health, which required informed consent to be obtained for all medical procedures, including sterilization. All the country's courts ensured that the hospitals to which persons with disabilities were sometimes committed respected the articles of the Constitution prohibiting torture and degrading treatment. The social programmes run by CONADIS were accessible to all children with disabilities, including immigrants.

17. In reply to a question about measures taken by the State to remove persons with disabilities from guardianship arrangements, he said that CONADIS had proposed changes to the Civil Code to bring it into line with the Convention, the Constitution, Act No. 5-13 and the Committee's general comment No. 1 (2014) on equal recognition before the law. The term *persona peligrosa* (dangerous person) did not appear in Dominican legislation and could therefore not be used to justify the institutionalization of persons with disabilities. Persons with psychosocial disabilities involved in legal proceedings were afforded the necessary protections by the courts. As part of the country's new prison model, the Harás Nacionales detention centre for older prisoners, including those with disabilities, had been inaugurated in Santo Domingo Norte. For persons with visual disabilities, prison sentences of less than 2 years were automatically suspended.

18. Act No. 137-03 on trafficking in persons had been adopted with a view to preventing and penalizing the smuggling of migrants and trafficking in persons, especially women and children. A special prosecutor's office to combat trafficking in and smuggling of persons had been created, and a think tank, the Observation Centre for Migration and Development in the Caribbean (OBMICA), had been following the situation closely since 2010. OBMICA was instrumental in raising regional awareness of the problems posed by trafficking.

Articles 21–33

19. **Ms. Kingston** asked what measures the Government was taking to increase the number of sign language interpreters in the country, as there were apparently only 30, and the small percentage of educational centres equipped to admit persons with disabilities. She would welcome information on the measures adopted by the Government to ensure that women with disabilities, especially in rural areas, were not denied their sexual and reproductive rights; to help households offset the additional costs of dealing with disabilities; to encourage persons with disabilities to stand for election; and to make all polling places accessible to them. She urged the Dominican Republic to ratify the Marrakesh Treaty.

20. Since progress could not be measured without a basis for comparison, she asked what the State party was doing to improve data collection and whether persons with disabilities were involved in those efforts. In that connection, she wondered whether the surprisingly small percentage of survey respondents who reported a disability might be caused by improperly formulated survey questions. She requested information on the State party's efforts to ensure that international cooperation projects were inclusive of and accessible to persons with disabilities, and on how the measures to achieve the Millennium Development Goals had affected such persons' quality of life. Lastly, she asked what percentage of the State's overall budget was allocated to persons with disabilities.

21. **Mr. Tatić**, while commending the State party for its evident willingness to make schools fully accessible, noted that, according to survey data, only 31 of 51 newly built schools had ramps and that of the ramps to those 31 schools 10 were pitched so steeply that they were better suited to ski jumpers than to wheelchair users. Furthermore, in several cases, the sanitary facilities were too small for wheelchair users. He wondered what

shortcomings in the monitoring processes had prevented those schools from being fully accessible. In view of the country's considerable potential as a tourist destination, he would welcome additional information on the accessible features — for example, changing rooms and showers — of the 19 beaches deemed accessible to persons with disabilities.

22. **Ms. Degener** asked whether Dominican law stated that all children with disabilities were entitled to an inclusive education and that segregated education was discriminatory. She asked whether an independent mechanism to monitor the implementation of the Convention had been designated and, if so, how civil society would participate in the mechanism's activities.

23. **Mr. Buntan** said that he would appreciate further information on the State party's inclusive education system and what exactly it entailed. He asked whether CONADIS was an interministerial council and whether representative organizations of and for persons with disabilities were involved in its work. If so, were they involved in decision-making or was their role merely advisory?

24. **Mr. Kim Hyung Shik** said that he would like information about the outcomes of job-placement initiatives for persons with disabilities. Information about whether the labour they supplied was skilled or unskilled and about wages, employee turnover and job satisfaction would be particularly welcome. Since it seemed that inclusive education had not taken root in the Dominican Republic, he wondered whether the Government had done anything in that area other than improving the physical accessibility of educational facilities. Building ramps was necessary but not sufficient. A greater understanding of the human factors involved in bringing children with disabilities into mainstream schools was also essential. In addition, he wished to know what kind of rehabilitation services patients with disabilities treated in public hospitals received. Lastly, he asked for further details on the protections afforded persons with disabilities by the disability, old-age and survival insurance schemes mentioned in the State party's report.

25. **Ms. Peláez Narváez**, expressing concern about the large number of children with disabilities in institutional care, asked what measures were envisaged to ensure that such children could be raised in a family setting, how and when the measures would be implemented, and whether inclusive education for children with disabilities was a State priority. She wished to know whether restrictions were imposed on persons with disabilities who wished to adopt, and how the authorities ensured that children with disabilities given up for adoption did not face discrimination. Information about educational provision and policies for deaf-blind children would also be appreciated.

26. Noting that a 2014 study had identified incidents of ill-treatment of women with disabilities seeking to access sexual and reproductive health services, she asked what was being done to protect women in such situations. She requested information about efforts to promote equal employment opportunities for women with disabilities and overturn the widely held belief that persons with disabilities should work in certain sectors only. She asked whether the draft law on political participation would guarantee full participation for persons with disabilities and their organizations in all areas of public life. Lastly, she asked whether the statistical database that CONADIS was compiling would provide gender-disaggregated figures that could be analysed from a disability perspective and how the authorities ensured that international cooperation aid was properly utilized.

27. **Mr. Basharu** asked how, in view of the relatively small number of sign language interpreters in the country, the State party could be sure that persons with hearing impairments had sufficient access to information to participate actively in public life and keep abreast of new developments. He wondered if the State party might consider adopting legislation that would guarantee the right of persons with disabilities to participate in electoral processes and stand for election on an equal footing with others.

28. **Ms. Quan-Chang** asked what was being done to ensure that children with disabilities were not arbitrarily removed from their families and that parents with disabilities were able to retain custody of their offspring, especially given the potential risk of trafficking. Noting that the 1.7 per cent figure cited in the State party's replies to the list of issues (CRPD/C/DOM/Q/1/Add.1) for the number of persons with disabilities living in poverty appeared very low, given their limited access to employment and services, she asked the delegation to clarify the measurement methods used. She enquired whether methodological adjustments were envisaged that would allow the authorities to more accurately gauge the obstacles faced by persons with disabilities in terms of income generation and social protection.

29. **The Chairperson**, speaking in her personal capacity, asked what proportion of students with disabilities were being educated in inclusive environments, what proportion were in segregated institutions and what measures were in place to help students make the transition from segregated to inclusive education. More information about the health services available to persons with disabilities, particularly those living in remote, rural areas, would be appreciated, including information about HIV/AIDS prevention and access to relevant information and treatments. Were appropriate medicines available for such persons free of charge, or at least at affordable prices?

30. She said that she would like more details about the services and benefits provided to persons with disabilities under the State party's poverty elimination programmes. In particular, she wished to know whether food supplementation programmes took account of the special needs of children and adolescents with disabilities and how the authorities ensured an intersectional approach to the specific problems faced by indigenous persons and persons of African descent with disabilities. She asked the delegation to explain what the "effective legal protection" provided to persons with disabilities involved in judicial proceedings entailed.

The meeting was suspended at noon and resumed at 12.35 p.m.

31. **Mr. Corporán Lorenzo** (Dominican Republic), acknowledging the importance of statistics for planning, decision-making and public investment, said that the State party was unfortunately unable to provide comprehensive, up-to-date statistical data but was moving in the right direction. The latest figure available for literacy, drawn from the 2013 household survey, indicated that just over three quarters of all persons with disabilities over the age of 10 were literate. However, following an intensive campaign to improve teaching materials and train teachers, that percentage had certainly increased since the survey. Precise figures for the number of persons of disabilities who were affiliated with the national health insurance system were likewise unavailable, but information received from CONADIS attested to growing coverage, thanks mainly to the implementation of the National Development Strategy.

32. With regard to accessibility in education, the Government was aware of the need to modernize not only school infrastructures but also the system of inspection and oversight. To that end CONADIS had been working with the Ministry of Education to train architects and engineers to incorporate the necessary accessibility accommodations into school refurbishment and modernization plans and, more generally, to raise awareness of the criteria among public officials and other stakeholders. The related renovation and building work was nearing completion, and checks were under way to verify compliance with the relevant standards.

33. The right to an inclusive, non-discriminatory education was clearly established in national legislation, including in article 63 of the Constitution, which stipulated that all persons should have the right to a comprehensive, high-quality education on an equal basis with others, the only limitations being their aspirations, goals and aptitudes, and in article

11 of Act No. 5-13. The Ministry of Education was working to design an inclusive education programme that would encompass elements such as accessibility issues, teacher training, curricular modifications and support for deaf students.

34. Measures to promote equal opportunities established in Act No. 5-13 included quotas for the employment of persons with disabilities of 5 per cent in the public sector and 2 per cent in the private sector. Raising awareness of those provisions among employers was an ongoing task to which civil society made a significant contribution. The National Institute for Technical Occupational Training (INFOTEP) ran various integrated vocational training programmes, and government efforts to foster entrepreneurship also sought to include persons with disabilities.

35. The Dominican Republic was firmly committed to international cooperation and had done a great deal to mainstream disability issues in the aid agenda, particularly in connection with South-South cooperation. It was working to establish a network of disability umbrella bodies to promote joint regional campaigns in Latin America and the Caribbean. Ensuring that children with disabilities could remain with their families and that parents with disabilities could retain custody was one of the remits of the recently established Advisory Board on Children with Disabilities, which worked to promote inclusion in all areas. The authorities acknowledged that living with a disability increased vulnerability to poverty and were working with the national social security benefits registration system to improve data collection and analysis methodologies.

36. As a result of the efforts of the Ministry of Education to promote inclusive education, over 30,000 students with disabilities were currently enrolled in mainstream schools. The ultimate aim was to eliminate segregated education entirely. With regard to medical provision for persons with disabilities, specialist services were offered through state-run primary health-care centres, and essential medicines were available through community pharmacies. With regard to the provision of effective legal protection in judicial proceedings, trial judges were required to stay, on the grounds of unconstitutionality, any proceedings in which the rights and legal capacity of persons with disabilities were not being respected and to order measures to safeguard those rights.

37. Expressing his appreciation for the constructive dialogue with the Committee, he invited all Committee members and civil society representatives to attend a conference on accessible tourism that his Government would be hosting in Santo Domingo in July 2015. Scheduled as a precursor to the adoption of the post-2015 development agenda in September, the event would investigate ways to achieve a disability-inclusive culture across Latin America and the Caribbean and throughout the world.

38. **Ms. Quan-Chang** (Country Rapporteur), thanking the delegation for its participation in the constructive dialogue, said that the information provided by civil society organizations and others in preparation for the dialogue had also been very helpful to the Committee. The latter stood ready to provide the State party with technical assistance in implementing the Convention.

The meeting rose at 1 p.m.



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities
Thirteenth session

Summary record of the 188th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 8 April 2015, at 3 p.m.

Chairperson: Ms. Cisternas Reyes

Contents

Consideration of reports submitted by States parties under article 35 of the Convention
(continued)

Initial report of Mongolia

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention *(continued)*

Initial report of Mongolia (CRPD/C/MNG/1; CRPD/C/MNG/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mongolia took places at the Committee table.*
2. **Mr. Munkhbaatar** (Mongolia), introducing his country's initial report (CRPD/C/MNG/1), said that, in 2014, persons with disabilities accounted for 3.3 per cent of the total population, with women accounting for 44.9 per cent and children for 11.4 per cent. The 2013–2016 action plan to implement the Convention on the Rights of Persons with Disabilities had been based on the proposals and contributions of organizations of persons with disabilities and other civil society organizations and aimed to develop the relevant legal framework, improve the collection of statistical data, increase accessibility to health care and rehabilitation services, provide inclusive education, make reasonable accommodation in the workplace, ensure accessibility to the social services infrastructure and provide full and effective participation in social and cultural life and sport.
3. Despite numerous revisions, existing legislation on the rights of persons with disabilities continued to focus entirely on social welfare and treated persons with disabilities as inactive beneficiaries of it. For that reason, a law on the rights of persons with disabilities, which would be consistent with the Convention and the human rights enshrined in the Constitution, was currently being drafted. Persons with disabilities and their organizations had been actively involved in developing the draft law, which primarily addressed the following issues: the definition of a person with a disability, the realization of the human rights of persons with disabilities, the provision of opportunities for their full participation in society and the development of laws to ensure the accessibility of the public infrastructure. Following the adoption of the draft law, amendments would be made to existing legislation on health, education, social security and employment.
4. In conjunction with organizations of persons with disabilities, the Government had been engaged in efforts to switch from a hospital-based to a community-based health-care and rehabilitation system and to adopt a rights-based approach to disability. Action taken included the training of physical and occupational therapists, measures to enable persons with disabilities to lead an independent life and encouragement of parents of children with disabilities to raise their children as active members of society.
5. The revised Mental Health Act of 2013 provided for inpatient care and psychological counselling for persons with mental disabilities in psychiatric hospitals. The Government had organized a month-long campaign for promoting the health of persons with disabilities and an annual disability prevention day was held to increase public awareness and foster a positive perception of persons with disabilities.
6. The Government pursued a policy of inclusive education on the basis of equal developmental and educational opportunities for children with disabilities. It sought to ensure reasonable accommodation through the provision of assistive devices and equipment and the appropriate training of teachers and staff. In addition, it had allocated funds from the general budget to promote the enrolment of children with disabilities in mainstream primary schools and kindergartens and provided full tuition fees to students with disabilities or to students whose parents both had disabilities.
7. Efforts were under way to establish a body to oversee the development of Mongolian sign language and a scheme to provide for the early detection and diagnosis of disability had been introduced in 21 aimags and 9 districts.

8. The national policy to promote the employment of persons with disabilities was implemented within the framework of a variety of laws, including the Constitution, the International Labour Organization (ILO) Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) and the Labour Law of Mongolia. Under a 2012 employment promotion programme, 20 per cent of persons with disabilities were employed in family businesses and manufacturing or had permanent jobs that had been created by employers.

9. The 2012–2016 action plan to implement the Convention on the Rights of Persons with Disabilities set objectives for building accessible housing, schools and institutions and the incorporation of universal design. Provisions on barrier-free access were included in new or revised legislation. Among public buildings in Ulaanbaatar, 36 per cent complied with government standards, 61 per cent were partially in compliance and 3 per cent failed to comply. In 2014, 359 newly built residential homes and apartments and 50 per cent of public buildings in Ulaanbaatar were accessible to persons with disabilities.

10. A State policy on culture, providing for the participation of persons with disabilities in cultural activities on an equal basis with others, had been adopted and standards for the accessibility of buildings and services of arts and cultural organizations had been brought into line with international standards. Under a presidential decree, winners of gold medals in the Paralympic Games received lifelong financial support and one Mongolian athlete had won a gold medal at the 2008 Games.

11. The Government pursued a social welfare policy to ensure the non-discriminatory and inclusive participation of persons with disabilities in the life of society and to establish a system of social protection that addressed their special needs. The income of persons with disabilities consisted mostly of social welfare allowances or pensions, of which the major part was spent on medicines and health-care services. As a result, many persons with disabilities lived in poverty. The expenditure of the Social Welfare Fund on social protection services for ever-increasing numbers of persons with disabilities had amounted to about US\$ 25 million in 2012, US\$ 31 million in 2013 and US\$ 34 million in 2014.

12. Despite the Government's efforts to implement the provisions of the Convention, economic constraints and the lack of trained human resources meant that many needs remained unmet. They could be grouped into the following categories: legal, economic and other guarantees to ensure the protection of rights; access to and financing of health-care services; accessibility, reasonable accommodation, teacher training and inclusive education in State schools; effective laws on eliminating disability-based discrimination; universal design and barrier-free buildings, roads and public spaces; accessible information and communication technology; and more complete statistical data. In addition, Mongolia faced challenges relating to the need to transition from a planned to a free market economy and from a nomadic to a sedentary culture.

13. His Government would seek international cooperation in the following areas: teacher and health specialist training; early diagnosis of disabilities; progressive assistive technology; and the development of accessible infrastructure, information and communication that met international standards.

14. **Mr. Kim Hyung Shik** (Country Rapporteur) said that the traditional prejudice against persons with disabilities in the State party, based on the belief that their disability was a punishment for their ancestors' sins, made it more difficult to change popular perceptions of persons with disabilities. He noted with satisfaction that the State party was in the process of bringing four major pieces of legislation into line with the Convention. However, in view of the apparent lack of policy coordination and ineffective implementation of various strategies, it was important to designate a focal point for matters relating to the implementation of the Convention. Consideration might be given to selecting

the Ministry of Population Development and Social Protection for that role, since it seemed to share responsibilities with several other key ministries.

15. The definition of disability adopted by Mongolia treated persons with disabilities as inactive beneficiaries of welfare benefits, not as individuals with rights and human dignity. That definition vitiated the State party's overall approach to implementing the Convention.

16. The State party's report seemed to indicate more what might be done in the future than to provide a comprehensive review of the improvements or changes that had been made since the State party's ratification of the Convention. More information was needed, for example, on the role of the National Rehabilitation Centre; he was especially concerned at the apparent urban bias of disability services that neglected persons with disabilities living in rural and remote areas.

17. No information had been provided in the State party's report, or its replies to the list of issues, on articles 6, 7, 9, 10, 12, 13, 14, 15, 17, 19 and 29 of the Convention. Although the State party had undertaken many initiatives, it had done so without indicating whether they were objectives for the short, medium or long term. It should provide further information on women with disabilities, including their status in the home and in society and the sexual abuse and violence directed against them. The Committee would also be interested in learning about educational opportunities for children, young persons and women with disabilities; the forms of assistance that were available to children with disabilities and their families; the mechanisms in place to ensure supported decision-making; and the general standard of living of persons with disabilities and obstacles to their employment.

Articles 1-10

18. **Ms. Kingston** asked whether the Government planned to bring its definition of disability into line with that of article 1 of the Convention. She would be grateful for information on the involvement of persons with disabilities, including women and children and those from minority groups and rural areas, in the development, implementation and evaluation of legislation and policies to implement the Convention.

19. She was concerned that failure to implement the law on non-discrimination meant that no sanctions were applied in cases of discrimination against persons with disabilities, not to mention the fact that no legislation in the State party prohibited discrimination on the grounds of disability. Moreover, given reports that women and girls with disabilities were subjected to high rates of sexual abuse, it was important for the State party to raise awareness among persons with disabilities and family members about that risk, as well as among social workers, health workers and the police. Awareness-raising was crucial, because the prevalence of the medical model continued to generate negative stereotypes of persons with disabilities. She would like the delegation to comment on the fact that, although transport, construction and urban planning laws had been amended, buildings did not always meet the new standards.

20. **Mr. Tatić** asked whether the State party envisaged including a provision on the prohibition of disability-based discrimination and the denial of reasonable accommodation in the draft law on the rights of persons with disabilities. The State party could request technical assistance from the Committee in drafting such provisions.

21. He asked what adjustments had been made to buses under the national budget, to which reference was made in paragraph 69 (h) of the report. Were they low-floor buses with special spaces to accommodate wheelchair users? He would appreciate additional information on the accessibility of the built environment, mechanisms to monitor accessibility and sanctions for persons who violated accessibility standards. The State party

might consider translating the Committee's general comments Nos. 1 and 2 into its official language.

22. **Ms. Quan-Chang** said she was concerned that the definition and system of assessment of disability appeared to rely heavily on the medical model, as did the 2013 Law on Social Protection of Persons with Disabilities. The State party might consider amending the definition in its relevant laws and regulations. She asked how the State party combated multiple intersectional discrimination, given that the law did not expressly criminalize disability-based discrimination. She also wished to know how many of the State party's programmes for persons with disabilities included persons with disabilities who were nomads and whether public awareness campaigns regarding persons with disabilities in that community were mounted.

23. **Mr. Langvad** asked how compliance with building regulations was monitored. If, as experience in his own country had shown, the cost of an accessible, climate-friendly and efficient building was 15 per cent less than that of an average building, it seemed logical that every new building should, by law, be accessible for persons with disabilities. The same applied to accessible buses used for public transport. He also wished to know what steps were being taken to increase the quality of support services provided to families with children with disabilities and/or their caregivers.

24. He enquired whether a review had been undertaken of the draft law on the rights of persons with disabilities in order to ensure its conformity with the Convention and whether organizations of persons with disabilities had been actively involved in its drafting. He also wished to know what initiatives were being taken to increase the level of financial support provided to those organizations. With reference to article 1 of the Convention, he asked to what extent national laws on persons with disabilities also covered parents and relatives of persons with disabilities in order to ensure that they did not lose their jobs as a result of caring for a person with a disability.

25. **Mr. Ruskus** asked how the Government involved organizations representing persons with disabilities in the development of legislation, policy and practice for the implementation of the Convention.

26. **Ms. Degener** asked whether denial of reasonable accommodation and segregation in education, work and housing were understood as forms of discrimination in law and practice. She wondered what action the Government had taken to protect women with disabilities against discrimination and whether any steps were taken to tackle intersectional discrimination. Referring to violence against children with disabilities, she requested an update on the activities undertaken by the Government since the universal periodic review in 2010, when it had clearly accepted a recommendation to prohibit all corporal punishment.

27. **Mr. Babu** said that the Government should be commended on its efforts to review and amend national legislation and policy on persons with disabilities and asked what practical strategies were in place for their implementation. Noting that the majority of the population lived in urban areas, he requested information on the situation of persons with disabilities in rural areas, who were not mentioned in the State party report.

28. **Mr. Buntan** asked whether the State party had any concrete plan for the systematic participation of persons with disabilities and their representative organizations in the formulation of law and policies that affected them, in accordance with article 4, paragraph 3, of the Convention. Noting that discrimination on the grounds of disability was not prohibited under the Constitution, he wondered whether there were any plans to criminalize such discrimination, including the denial of reasonable accommodation, under the draft legislation on persons with disabilities. While the State party's efforts to improve accessibility were to be welcomed, he would be interested to know whether the relevant legislative provisions were supported by the necessary financial resources to ensure that

they could be put into practice. He would welcome an update on progress with the Mongolian text-to-speech system to enable persons with disabilities to have access to information via screen reader or voice applications and whether the Government had adopted any internationally recognized information and communications technology standards.

29. **Ms. Peláez Narváez** asked what measures the State party took to ensure that women and girls with disabilities were included in the many instruments and policies on gender equality, especially in relation to access to education, professional training, employment, independent living, health care, including sexual and reproductive health services, support for maternity, protection against violence and abuse and access to justice. She wondered whether the State party took due account of children with disabilities in implementing its policies on children, particularly given that in rural areas fewer than 25 per cent of children with disabilities had access to education and that there continued to be a segregated education system. She also asked whether children with disabilities had the same right as other children over the age of 7 to have their opinions taken into account in matters that affected them and how children with disabilities were protected against violence and abuse.

30. **The Chairperson**, speaking in her personal capacity, asked what the current status of the draft law on the rights of persons with disabilities was and when its enactment was expected. Noting that discrimination on the grounds of disability was not criminalized, she wondered what remedies were available to persons with disabilities who did experience such discrimination and whether there had been any convictions for discrimination against persons with disabilities.

The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.

31. **Mr. Munkhbaatar** (Mongolia) said that, since it had ratified the Convention, his country had made considerable efforts to revise older legislation on persons with disabilities to bring it into line with the Convention. The Government endeavoured to involve a wide range of ministries, agencies, non-governmental organizations (NGOs) and other stakeholders in that work. Organizations representing persons with disabilities had participated actively in the process and their opinions and proposals had been taken into account by a parliamentary working group set up to prepare the draft law, which contained significant changes as a result. The Government attached great importance to its cooperation with local government and NGOs at all levels and to the development of a strong civil society. Mongolia faced important challenges in its transition from a centralized system.

32. **Ms. Batdulam** (Mongolia) said that the definition of disability in the new draft law reflected the provisions of the Convention and stipulated that persons should not be discriminated against on the grounds of physical or mental impairment or illness and should have the right to participate freely in society. Future amendments to other laws, such as the law on social insurance, would also reflect the new definition in compliance with the Convention.

33. Even before acceding to the Convention, Mongolia had practised a community-based approach to persons with disabilities for more than 20 years. The criteria used for defining disability in children up to the age of 16 were being brought into line with the Convention. Efforts were made, particularly through the Ministries of Health and Education, to ensure early diagnosis of children with disabilities so as to provide them with the applicable benefits and support them in their education and inclusion in the community. Some success had already been achieved in that regard. In employment laws, the definition of disability for persons over the age of 16 was based on the loss of work capacity, in accordance with ILO criteria. The Government was also cooperating with the World Health Organization in order to bring its requirements into line with international standards and

implement projects in that area. The draft law on persons with disabilities contained provisions on the early diagnosis of disability.

34. A total of 3.8 per cent of the overall population had a disability, of whom 11.7 per cent were children. In 2012, as part of a series of institutional changes, a special unit for persons with disabilities had been set up for the first time in the Ministry of Population Development and Social Protection, with responsibility for setting up a national mechanism to protect the rights of persons with disabilities. The structural changes reflected the increased importance being attached to the rights of persons with disabilities and would result in more effective action on issues concerning women and children with disabilities in particular.

35. With regard to the participation of women with disabilities in decision-making processes, the Disability Policy Council under the Ministry of Population Development and Social Protection brought together representatives of a range of NGOs, children with disabilities and their parents, persons with all kinds of disabilities, and organizations of women with disabilities, who made a valuable contribution to the policymaking process. The Government attached great importance to the effective participation of women with disabilities and in 2013 had organized a special meeting with representatives of that segment of the population; the views expressed at that meeting would be most useful in drafting the new law on persons with disabilities. A forum for persons with disabilities had also been organized, with more than 9,000 participants, half of them women and girls with disabilities. State policy on the protection of persons with disabilities focused on providing them with the opportunity to live in the family and in society.

36. A research-based strategy and related guidelines were being drawn up on the prevention of the sexual abuse and mistreatment of girls and women with disabilities. The results of the research would be reflected in future bills and decision-making processes. As for the types of assistance provided for parents of children with disabilities, community-based rehabilitation centres had been set up in a number of provinces as a part of a European Union-funded project. There were plans to develop social health and public health centres in rural areas. Parents had been trained in the use of assistive technologies and had learnt special exercises for children with disabilities.

37. More than two thirds of public officials had undergone training in issues relating to persons with disabilities and there were plans to offer such training to lawmakers and educators. Efforts were also being made to raise awareness and promote a positive image of persons with disabilities in the media.

38. Draft decree No. A/106 had been sent to a number of NGOs for comment, prior to its submission to parliament for consideration in June 2015. The European Union, ILO and the embassy of the United States of America in Ulaanbaatar had provided NGOs with financial assistance during the drafting process.

39. **Ms. Tsolmon** (Mongolia) said that the rights of persons with disabilities were protected under laws on issues such as social protection. Such persons had the same rights as non-disabled persons in relation to access to education, employment, health care and social assistance. A bill on labour relations had been drawn up to provide for persons with disabilities.

40. **Mr. Munkhbaatar** (Mongolia) said that his country was still in the process of transitioning to a democratic, free-market system and required more time to change public attitudes and update the domestic legislative framework.

41. **Ms. Dondmaa** (Mongolia) said that the Law on Urban Development and the Law on Construction made provision for accessibility and universal design. There were also plans to allocate parking spaces to persons with disabilities. New legislation was being prepared

to grant persons with disabilities preferential treatment for ownership of land. Special decrees had been issued at the municipal level to ensure that new buildings and pavements met accessibility requirements and a training programme on accessibility was being set up for representatives of construction companies. Organizations of persons with disabilities were consulted with regard to the building of pavements and their comments were passed on to the construction companies concerned. Although only a small percentage of buildings were accessible to persons with disabilities, their number was rising.

Articles 11–20

42. **Ms. Kingston** asked what measures were taken to ensure the protection and safety of persons with disabilities in emergency situations and natural disasters and the inclusion of persons with disabilities, particularly deaf persons, in national emergency protocols.

43. She asked how many persons with psychosocial disabilities there were in Mongolia and whether they were able to exercise their rights and preferences. She also asked how many such persons were currently being detained in institutions. The delegation might also clarify a definition in domestic criminal law that had been translated as “Persons with disabilities pleading guilty to crimes that they did not commit”. Were any relevant statistics available? She would welcome information on support mechanisms for persons with psychosocial disabilities wishing to live in the community and pointed to the lack of financial support for families of such persons and the difficulty of access to pensions.

44. Lastly, she asked how the right to vote in elections was guaranteed.

45. **Mr. Tatić** said that he would welcome clarification on the “special stairs [...] for persons with disabilities” referred to in the State party report. He also asked whether judges had already received training in the Convention or would do so in the future.

46. **Mr. Babu** asked whether the State party would set up an interdepartmental committee to transpose the Convention into domestic legislation and ensure the successful implementation of development programmes focusing on persons with disabilities. He also asked whether persons with disabilities in the State party lived in mainstream communities and, if so, what measures had been taken to assure their effective participation in social, economic, political and decision-making processes. Lastly, he would welcome more information on the institutionalization of people with disabilities in Mongolia.

47. **Mr. Basharu** asked how the State party provided protection for blind persons in institutions in emergency situations.

48. The Committee had been informed of cases of harassment of persons with disabilities by police officials and he asked how the State party guaranteed access to justice for persons with disabilities. He also asked how the State party intended to ensure that all persons with disabilities had equal access to information.

49. **Ms. Quan-Chang** said that she was concerned at the fact that, when a person was diagnosed with a psychosocial disability, that diagnosis had legal implications. She asked what measures were being taken to restore the legal capacity of persons with disabilities and ensure that they enjoyed all guarantees of due process.

50. She asked what measures were being taken to ensure that prisoners with disabilities had access to health services and technical assistance. She also asked what steps were being taken to guarantee that women and children with disabilities who were victims of any type of ill-treatment, abuse, violence or exploitation had access to justice. The lack of sign-language interpretation for victims of crime in the State party was a matter of concern.

51. **Mr. Langvad** said that the State party should adapt its judicial procedures to take account of persons with psychosocial or cognitive disabilities.

52. He asked for information on any steps taken to prohibit the placement of children and adults with disabilities in institutions against their will, to develop a deinstitutionalization plan in consultation with organizations of persons with disabilities and to establish support measures and services in the community that would enable persons with disabilities to decide where they wanted to live.

53. He asked what was being done to improve the quality of assistive aids and domestically manufactured and imported mobility devices, and to ensure access to all necessary prostheses, orthopaedic devices and assistive aids for persons with disabilities.

54. **Mr. Buntan** asked whether the State party intended to integrate the Sendai Framework for Disaster Risk Reduction 2015–2030 into domestic policy.

55. He asked whether there were circumstances in which persons with disabilities were not allowed to open a bank account, sign a cheque, inherit property or sell or buy land or houses and, if so, whether the State party had any specific plans to recognize the legal capacity of persons with disabilities. He also wondered whether the Government had a policy of encouraging persons with disabilities to work as judicial officials or lawyers.

56. He asked whether any data had been collected on persons with disabilities who had benefited from community-based services launched prior to the State party's ratification of the Convention and whether such persons were able to live independently and be included in the community. He would welcome information on the nature of the community-based services provided.

57. **Ms. Peláez Narváez** asked whether the State party kept records of cases of violence against and abuse of women or children with disabilities, of instances in which such individuals had sought direct access to justice and of the corresponding remedies provided by the justice system. She also asked whether judicial officials received training in the human rights and fundamental freedoms of girls and women with disabilities.

58. She asked whether, in cases of divorce or separation, the custody of children of mothers with disabilities was frequently awarded to non-disabled husbands.

59. **Mr. You Liang** asked whether the State party had any policy on the accessibility of airports and aeroplanes for wheelchair users. He also asked whether the State party had adopted any regulations governing the provision of good quality, tailor-made assistive devices for people with disabilities and whether financial support was offered to people with disabilities to enable them to obtain such equipment.

60. **Mr. Kim Hyung Shik** asked what types of disability were represented within the prison population in the State party and how the principle of reasonable accommodation was observed in prisons. He also asked the delegation to comment on the situation of young persons and children with disabilities whom he had seen begging in the street in Ulaanbaatar.

61. **The Chairperson**, speaking in her personal capacity, asked whether plans for rebuilding following natural disaster ensured that accessibility regulations were complied with. Secondly, she asked how many persons were subject to guardianship under the Civil Code. Thirdly, she noted that, under the Health Law, forced treatment of persons with disabilities was prohibited, but that an exception was made for persons with psychosocial disabilities who posed a serious threat to society. She asked what was meant by the phrase "serious threat to society" and when and how the concept was applied.

62. She also asked what the situation was regarding the legal guardianship of persons with disabilities involved in criminal activities. She further enquired whether prisons had accessibility programmes and whether an independent body had been set up to monitor the cruel, inhuman or degrading treatment of persons with disabilities.

The meeting rose at 6 p.m.



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Thirteenth session

Summary record of the 189th meeting

Held at the Palais Wilson, Geneva, on Thursday, 9 April 2015, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

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(continued)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 35 of the Convention (continued)

Initial report of Mongolia (continued) (CRPD/C/MNG/1; CRPD/C/MNG/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mongolia took places at the Committee table.*
2. **Ms. Batdulam** (Mongolia) said that her Government had played an active role in the third United Nations World Conference on Disaster Risk Reduction in Sendai City, Japan, in March 2015 and had implemented numerous measures to ensure that its national emergency response plan took account of the specific needs of persons with disabilities, including the introduction of mobile emergency alert applications for deaf and hearing-impaired persons, the launching of an emergency information hotline and the provision of disaster preparedness leaflets in accessible formats. It had also conducted a series of public awareness-raising campaigns regarding the main actions required to protect vulnerable groups in an emergency.
3. With regard to the issue of strengthening the capacity of legal institutions, she said that members of the national police force and the judiciary had held several meetings to determine the best methods to promote the rights of persons with disabilities and facilitate their effective role as direct and indirect participants in legal proceedings. The Government had also devised training guidelines for judges and magistrates regarding access to justice for persons with disabilities.
4. Concerning the availability and accessibility of assistive technologies, the Government had introduced specific social protection legislation to provide for subsidized orthopaedic and prosthetic devices for persons with disabilities and free devices for children under the age of 18. The National Rehabilitation and Development Centre also provided wheelchairs. Currently, many assistive technologies were manufactured and assembled abroad, but efforts were under way to establish factories capable of assembling wheelchairs in Mongolia in the near future.
5. Lastly, she confirmed that measures had been introduced to return children with disabilities living on the streets to their families and home communities. In cases where children could not be reunited with their family, they were placed in foster care or children's homes. Children with disabilities made up 10 per cent of the total of 300 children living on the streets.
6. **Ms. Oyunkhand** (Mongolia) said that there were around 5,000 persons with psychosocial disabilities in mental health facilities. The Government had recently established several local mental health centres so that over half of patients requiring institutional mental health care could receive treatment close to their homes. It had also introduced a mentor system for persons with psychosocial disabilities to provide support and enable them to live independently. Public mental health awareness-raising campaigns had been conducted on a regular basis and the forced treatment of persons with psychosocial disabilities was used only in situations where they represented an immediate danger to themselves or others.
7. **Mr. Munkhbaatar** (Mongolia) said that the Government had invested in several accessible buses for persons with disabilities at a cost of around US\$ 300,000 for each vehicle in an effort to improve the accessibility of the national public transport system. Work had also begun on building a new international airport that met international universal accessibility standards. As to the composition of the delegation, it comprised

members of Government and representatives of policy advisory groups, including civil society representatives.

8. **Ms. Batdulam** (Mongolia) said that steps had been taken to facilitate the participation of persons with disabilities in political and public life and to ensure that voting procedures, facilities and materials were appropriate, accessible and easy to understand and use. Polling stations had been equipped with assistive voting devices and ballot papers in Braille and easy-to-read formats were provided upon request.

9. As to freedom from exploitation, violence and abuse, 120 cases of violence against persons with disabilities had been brought before the courts in the past five years. Most of those cases had been heard *in camera*, but efforts were under way to ensure that all cases of violence against persons with disabilities were held in public session in order to improve judicial transparency. Some 36 children with disabilities had been abused by their parents or guardians in 2013. No data were available on the number of women and girls with disabilities that had been subjected to domestic violence or abuse. Persons with disabilities who had been victims of offences were eligible for compensation on an equal basis to others, pursuant to the Criminal Code, although there were still some accessibility issues that hindered persons with disabilities from claiming redress.

10. **Ms. Tsolmon** (Mongolia) said that the Government had devoted considerable efforts to making all court-houses accessible for persons with disabilities and had provided procedural and age-appropriate accommodations in order to facilitate their access to justice, such as the provision of sign interpretation during court proceedings and free legal aid for vulnerable persons who could not afford to hire a lawyer. Currently, 13 out of 24 court-houses conformed to international universal accessibility standards. There were no restrictions on persons with disabilities becoming judges or lawyers if they could fulfil the required functions of the role. There were currently six judges with disabilities working in the judiciary. Persons with disabilities made up 2.5 per cent of the prison population. There were currently a total of 167 prisoners with disabilities, comprising 152 men and 15 women. Their offences ranged from murder and aggravated bodily harm to fraud. Efforts had been made to provide adequate health care, assistive technologies and prison employment options to prisoners with disabilities and some 99 prisoners with disabilities had been assigned prison work placements in 2014. The Government recognized that some prisons failed to meet accessibility standards and intended to build fully accessible prisons in the future. Guardianship arrangements for persons with disabilities were regulated by law and abuses of guardianship authority were taken very seriously by the courts.

11. **Ms. Danika** (Mongolia) said that efforts had been made to increase the number and range of television and radio programmes available to persons with disabilities. The Government had amended national broadcasting legislation to increase the mandatory number of television and radio programmes broadcast in accessible formats and had worked with private satellite operators to provide more accessible programmes, which had proved very useful for persons with disabilities living in nomadic communities in rural and remote areas. The National Broadcasting Service had also introduced a number of programmes in International Sign format in 2012 and intended to steadily increase the number of accessible programmes it offered over the coming years. Steps had also been taken to improve Internet availability for persons with disabilities to facilitate their access to information.

12. **Ms. Batdulam** (Mongolia) said that persons with disabilities enjoyed equal recognition before the law and could exercise their right to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit on an equal basis with others. The Government acknowledged the prevailing physical and cultural barriers that hindered the exercise of

those rights by persons with disabilities and had taken steps to provide access to the support that persons with disabilities might require in exercising their legal capacity in those areas.

13. With regard to access to education, children with disabilities had the right to attend mainstream schools in their local area on an equal basis with other children. Given that Mongolia was a large and sparsely populated country, the Government had launched joint multidisciplinary programmes with local authorities and civil society organizations in an effort to provide the necessary community-based support required by persons with disabilities to live independently in the community. Steps had also been taken to ensure access by persons with disabilities to adequate community-based health and rehabilitation services.

Articles 21–33

14. **Ms. Kingston** asked whether there were any plans to formally recognize sign language and to increase its use in television broadcasts. Notwithstanding the fact that a national programme for inclusive education had been adopted, the Committee had heard from civil society organizations that little had changed and that in rural areas up to 70 per cent of children with disabilities had no access to education and limited access to health services. It was commendable that the State party had ratified all the relevant conventions of the International Labour Organization and revised the Labour Law to make it more inclusive, but she asked how those measures had been reflected in practice. The Committee was concerned about the fact that a number of professions or occupations were specifically designated for disabled persons under the law, which limited the freedom of choice of jobseekers with disabilities. Persons with disabilities were reportedly channelled into vocational training classes that were separate from mainstream classes.

15. Noting that the State party had reported that persons with disabilities accounted for some 3.2 per cent of the population, she asked whether that figure was an underestimate. The delegation should explain how the Government collected and disseminated disaggregated data and statistics, whether persons with disabilities were involved in such processes and whether they had access to the information in question. She asked whether the Government could engage more broadly with multilateral agencies and international non-governmental organizations (NGOs) so as to benefit from their expertise and ensure better compliance with the Convention in the implementation of projects. The Committee would like to hear about the implementation of the Millennium Development Goals related to the rights guaranteed under the Convention. Was there an independent monitoring mechanism that checked on compliance?

16. **Mr. Tatić**, noting that, according to the State party report, children with minor disabilities could be enrolled in mainstream kindergartens, asked whether that meant that those with more serious impairments were excluded and, if so, whether there were any plans to address the problem. Did the State party intend to amend the law on education to include a legal obligation to provide for inclusive education and reasonable accommodation? He also asked what action would be taken to ensure that tourism in Mongolia would be accessible for all.

17. **Mr. Al-Tarawneh** said that it was not always necessary to replace existing vehicles or facilities to accommodate persons with disabilities and that the equipment currently in use could often be appropriately retrofitted. The State party should draw up a national disability strategy to address issues such as accessibility, health, education, employment, independent living and political participation. While progress could be gradual in those areas, it was of the utmost importance to ensure an inclusive approach.

18. **Mr. Lovász** said, with reference to article 8, that the proclamation by the State party of a “day of early detection and intervention in developmental impairments” might

reflect a non-inclusive strategy, at variance with the Convention, and he asked whether the International Day of Persons with Disabilities was celebrated in Mongolia. The delegation should describe what mechanism was used to monitor the implementation of the right of children with disabilities to obtain an education and how their parents were involved in relevant decisions. The National Rehabilitation and Development Centre reportedly promoted vocational training for children and adults with disabilities but restricted such action to seven vocational fields. The delegation should explain how those fields were selected, by whom, and on the basis of what assumptions. Did the Government have a strategy for greater inclusion of deaf and hard-of-hearing children in vocational training activities? Noting that, under the law, enterprises with more than 25 employees were obliged to employ persons with disabilities, he asked what specific measures were accessible to disabled persons who wished to ensure that they were provided with reasonable accommodation and whether there was a public catalogue of available tools for that purpose. If so, how many persons with disabilities had benefited from such tools? Lastly, he asked whether the Government provided any tax incentives for the employment of persons with disabilities.

19. **Ms. Peláez Narváez**, asking a follow-up question related to access to justice, said that she had recently heard a report about a 4-year-old girl who had apparently been beaten to death by her biological father and her stepmother. Custody of the child had been awarded to the father, disregarding the wishes of the girl and over the objections of her biological mother, as the mother had a physical disability and the judge had considered her unable to raise the child. The delegation should inform the Committee what kind of training was given to members of the judiciary so that they would take into account all the rights accorded explicitly or implicitly under the Convention relating to the custody and guardianship of children, especially for mothers with disabilities. In the case in question, he asked whether the Mongolian justice system would provide any compensation to the bereaved mother.

20. By law, measures could be taken to prevent the conception of children by persons with genetic or other psychosocial or intellectual impairments. A decree issued as late as 2014 stipulated that pregnant minors were allowed to request abortions, provided they did not have disabilities, in which case the decision was to be made by the person with custody or parental authority. Under the law governing abortion, a medical decision could be taken to abort a child carried by a woman with psychosocial or intellectual disabilities, without the woman's consent. She asked when the State party would repeal those provisions and what measures it would take to ensure that all women with disabilities had the right to free and informed consent and to the enjoyment of sexual and reproductive rights on an equal basis with others.

21. **Mr. Ruskus** asked whether mainstream education teachers were trained to work with children with disabilities and, if so, in what contexts. Was inclusive education included as a subject in teacher training programmes? The delegation should inform the Committee how many teachers had received such training and describe the Government's strategy to develop it both in the capital and in more remote areas.

22. **Mr. Kim Hyung Shik** (Country Rapporteur) asked whether the services provided for the health, education and vocational rehabilitation of persons with disabilities were predominantly medical in nature and whether there were any local projects for the provision of such services in the context of community-based rehabilitation. The delegation should describe the extent of such rehabilitation services and inform the Committee how the agencies providing them collaborated with government statistical bodies. Were data-collection methods standardized?

23. The State party report mentioned certain specific working conditions for persons with disabilities, including reduced working hours and increased vacation time. Such

protective and paternalistic measures could discourage the hiring of beneficiaries and lead to discrimination against job applicants with disabilities. It would be interesting to hear what percentage of employers met the obligation to hire a quota of employees with disabilities. When employers failed to meet the quota, how were the fines collected and how were the proceeds put to use? Noting that the Government had made a genuine effort to ensure that persons with disabilities would not live in poverty, he asked to what extent the monthly allowances and assistance were effective in meeting basic needs.

24. **Mr. You Liang** noted that, under Mongolian law, employers who did not meet their quotas for employees with disabilities had to contribute to an employment promotion fund and that many employers opted to pay the penalty rather than hiring the intended beneficiaries. It was therefore for the Government to play a leading role in hiring such employees. How many persons with disabilities were employed by the Government? After remarking that Mongolia was renowned for its vibrant culture, and specifically its rich tradition of dance and song, he asked what efforts were made to tap the potential of persons with disabilities and ensure that they were able to partake fully in such activities.

25. **Ms. Degener** asked whether segregated education was considered a form of discrimination under Mongolian law and whether blind and deaf children in the mainstream education system were provided with Braille and sign-language resources. While it was laudable that the Government had adopted the concept of community-based rehabilitation, that approach tended to make persons with disabilities over-reliant on rehabilitation.

26. **Mr. Langvad** noted that persons with disabilities could be the subject of medical experimentation against their will, if their guardians gave their consent. No law or regulation provided a framework for obtaining the free and informed consent of individuals with disabilities or defined responsibility for the oversight of such procedures. The Committee would like to know what efforts were being made to repeal provisions allowing third-party consent and to adopt clear laws governing the free and informed consent of persons with disabilities when they received treatment. The State party should train health professionals to make them aware of their obligation to obtain the consent of the individuals concerned, in particular in cases of sterilization, abortion and medical experimentation.

27. The Committee would also like to find out what efforts were being made to bring social benefit payments into line with minimum wages and standards of living and to develop and implement compensation schemes to cover disability-related extra expenses, in particular for persons who had disabilities since birth. What special measures were being taken to ensure that persons with disabilities in rural areas received the same social welfare benefits and support as those in cities?

28. **Mr. Buntan** noted that in Asian culture it was often the case that relatives from the extended family provided care for family members with disabilities. In such cases, it was no doubt more difficult than elsewhere to eliminate the idea of guardianship. The question was how to transform the love and care of the extended family in such cultures from a supervisory or dominating approach to a more supportive or advisory one.

29. He asked whether the delegation could cite any successful cases in which community-based rehabilitation services had allowed persons with disabilities to live independently within the community. He also asked whether any progress had been made in conferring legal status upon Braille and sign language, which would be key to ensuring the sustainability of many types of services. How did the Government understand, interpret and apply the concept of an inclusive education system?

30. While no laws restricted the rights of persons with disabilities to vote or take part in politics, the delegation should inform the Committee whether any affirmative measures had been adopted to promote such participation in the mainstream political process. He asked

whether the policy committee under the Ministry of Population Development and Social Protection worked only within the context of that body or whether it had a mandate for the coordination of actions taken by a number of government ministries. To ensure the effective implementation of the Convention, focal points and independent monitoring mechanisms should have a mandate that transcended divisions between ministries and departments. In that connection he asked whether National Commission on Human Rights had an official role as a monitoring mechanism and what ensured its independence. He also asked whether the Government had established any infrastructure to support representative civil society organizations defending the interests of persons with disabilities.

31. **Mr. Basharu** noted that there were discrepancies between the numbers provided by various governmental and non-governmental sources for the population living with disabilities in Mongolia, with figures ranging from 80,000 to over 110,000, and he wondered to what extent persons with disabilities and their representative organizations were involved in the collection and collation of such data.

32. **Mr. Pyaneandee** asked what the State party proposed to do to provide a coordination and monitoring mechanism to mainstream disability issues, what could be done to strengthen the position of the National Commission on Human Rights so that it could effectively defend the rights of persons with disabilities under the Convention and help them obtain effective remedies and how such persons would be involved.

33. **Ms. Pavey** said that the questions she had prepared had been asked by fellow Committee members. She therefore wished only to express her gratitude for the input from the country's civil society organizations, commend the Mongolian Government for the large number of women in its delegation, which was greater than that of any other delegation appearing before the Committee, and urge it to make every effort to preserve a nomadic culture that other countries, her own included, had long since abandoned.

34. **Mr. Babu** asked whether HIV/AIDS infection rates had changed since 2009, the last year for which he had seen figures. He wished to know whether Mongolia had programmes for persons with HIV/AIDS and, if so, whether those programmes took the needs of persons with disabilities into account. Regarding article 29, he asked whether persons with psychosocial disabilities were still denied the right to vote. Lastly, he said he would appreciate information on any plans to set up an interministerial commission to coordinate work related to the implementation of the Convention.

35. **The Chairperson**, speaking in a personal capacity, asked how the State party ensured that deaf-blind persons could exercise their right to receive and impart information. Regarding the State party's obligation to take measures to eliminate discrimination in matters relating to marriage, she noted with concern that a bill currently under consideration would apparently deprive persons with psychosocial or intellectual disabilities of their right to marry. In addition, she wished to know whether the Government had developed an action plan to provide high-quality inclusive education and whether it was considering a constitutional reform to allow wards to exercise their right to vote.

The meeting was suspended at noon and resumed at 12.15 p.m.

36. **Ms. Tuya** (Mongolia) said that all persons in Mongolia were entitled to education. Indeed, schooling was compulsory up to the age of 16 and the Government was well aware that it was under an obligation to ensure that schools were accessible to children with disabilities. In 1995, guidelines had been drawn up regarding schoolchildren with hearing and visual impairments. New guidelines, taking broader approaches to disabilities and special aptitudes, had been developed more recently. In 2008, three government ministries, including the Ministry of Education, Culture and Science, had set up a joint programme to ensure that the demand for education for children with disabilities could be met. The programme's aims included integrating children with disabilities into mainstream

kindergartens, increasing the availability and use of assistive devices and creating an environment favourable to the development of inclusive education. The first phase of the programme had been a success, but there were still challenges, particularly in rural areas. The second phase, planned for the period 2015–2018, would focus on children who had dropped out of school, especially those with visual and hearing impairments.

37. In addition to the problems of reaching children in remote areas, there were other obstacles to including students with disabilities in mainstream schools, including a shortage of properly trained teachers and negative views of the abilities of children with disabilities. In years past, teachers had received special training in the former Soviet Union or elsewhere in the Eastern bloc, but those teachers, who taught mostly in the special schools in Ulaanbaatar, were reaching retirement age. In response, the Ministry of Education, Culture and Science was developing curricula for courses on teaching children with disabilities and had organized a one-year training programme for persons interested in teaching children with disabilities. Special-education teachers had been listed as one of the 20 professions for which demand in Mongolia was highest. Teachers could currently take part in exchanges with their counterparts in the Republic of Korea, and every year the number of teachers qualified to work with children with disabilities increased. According to figures from the Ministry, 67.5 per cent of children with disabilities attended mainstream schools.

38. A special fund provided monetary aid to the parents of children with disabilities, and students with disabilities attending institutions of higher learning were granted tuition waivers. A three-year project to develop and highlight the gifts of children with disabilities had been carried out in the capital of the country and in the interior. It had been a great success.

39. **Ms. Oyunkhand** (Mongolia) said that in 2011, for the first time, Mongolian law had established a framework for the provision of rehabilitation services to persons with disabilities. The framework made it possible for the authorities to provide material assistance to rehabilitation centres located throughout the country. Courses in vocational rehabilitation had been included in specialized university curricula.

40. The law in Mongolia made no provision for forced abortions. Indeed, the Ministry of Health and Sports had issued a recent resolution to assure the reproductive health of persons with disabilities, including children, on an equal basis with others. The Ministry had also issued guidelines on how to survey persons with disabilities or their guardians. In all such surveys respect for privacy was paramount. Medical experimentation on human subjects, needless to say, was prohibited.

41. As part of its efforts to achieve the Millennium Development Goals, Mongolia endeavoured to keep HIV/AIDS infection rates low. The media were enlisted to help with preventative campaigns, which included the distribution of educational material in formats accessible to persons with disabilities, such as Braille. According to official figures, there were currently 187 people with HIV/AIDS in Mongolia. More than 500 people were considered at risk of infection.

42. **Ms. Amartugs** (Mongolia) said that Mongolia had had a quota system for the employment of persons with disabilities since 1999. Since 2007, the quota had risen, and companies were required to hire at least 1 person with a disability for every 25 employees. In the future, multiple approaches would have to be adopted, including greater incentives for employers or direct financial assistance, as most companies operating in Mongolia were small, with fewer than 10 employees. Slightly more than one third of the 19,000 persons with disabilities working in Mongolia were salaried; others were the sole proprietors of small businesses or worked for family firms. Greater efforts to ensure that reasonable

accommodation was provided in the workplace were clearly necessary, as was a more flexible approach to the quota system.

43. According to statistics from 2014, working hours and conditions had been adjusted for some 400 persons with disabilities and the Government had disbursed roughly US\$ 1.2 million to support the private businesses of persons with disabilities. More than 1,000 persons with disabilities had taken part in short-term vocational training programmes and as a result over 300 of them had found jobs. The Ministry of Labour, supported by a number of international organizations, had plans to train 80 specialists in methods of helping persons with disabilities find work.

44. **Ms. Batdulam** (Mongolia) said that, in an effort to guarantee access to information, a legal framework was being established for the use of sign language, Braille and other forms of communication. The Ministry of Education, Culture and Science had set up a working group to deal with the issue and would shortly put forward a proposal, jointly with the Ministry of Population Development and Social Protection. The European Union had offered aid for a project on developing standards for the use of Braille, but considerable work was necessary to adapt it to Mongolian.

45. Mongolia was a member of the Washington Group on Disability Statistics and a project to improve data collection using the International Classification of Functioning, Disability and Health had been carried out over the period 2005–2009. Every year, in May, around the anniversary of the country's accession to the Convention, the Government, together with NGOs, organized events to raise awareness of the rights of persons with disabilities. Lastly, she said that changes to the law on marriage requirements were indeed being considered but that they did not apply to persons with disabilities.

46. **Ms. Tsolmon** (Mongolia), in reply to the question about the death of a 4-year-old girl, said that for the moment she could provide no information other than that the case was still being investigated.

47. **Ms. Bolormaa** (Mongolia) said that, even before acceding to the Convention, Mongolia, in cooperation with international organizations, had taken part in regional efforts to raise awareness of disability issues and develop a comprehensive approach to dealing with them.

48. **Mr. Munkhbaatar** (Mongolia) said that the right to vote was guaranteed by the Constitution. In some cases, polling officers could collect ballots from the homes of persons with disabilities who were unable to reach polling stations. Persons with disabilities were entitled to stand for public office. A Paralympic medallist had stood in the 2012 legislative elections, for example.

49. Regarding accessible tourism, he said that much of Mongolia was an untamed wilderness best suited to off-road or adventure tourism. The authorities were focusing on infrastructure development, which would eventually make the country a destination more attractive to a broader range of tourists, including those with disabilities.

50. It had been more than five years since Mongolia had acceded to the Convention. The Government was aware of the importance of setting up an independent mechanism to monitor its implementation. For its part, the Ministry of Population Development and Social Protection, as the lead ministry for the coordination of inter-agency efforts to implement the Convention in Mongolia, was most grateful for the Committee's advice and recommendations.

51. **Mr. Kim Hyung Shik** said that, as it considered the progress that States parties made towards the implementation of the Convention, the Committee always bore in mind that Rome had not been built in a day. The delegation, for its part, would do well to bear in mind the importance of strengthening the organizations of persons with disabilities in

Mongolia. The draft law on the rights of persons with disabilities was a welcome development and he urged the State party to ensure that the bill dealt with such topics as inclusive education, discrimination and independent living. He encouraged the delegation to submit written replies to the questions that had not been covered during the dialogue. Lastly, he said that other States parties often made the Committee's concluding observations available to their citizens. He urged Mongolia to do likewise.

The meeting rose at 1.05 p.m.



Convention on the Rights of Persons with Disabilities

Distr.: General
21 April 2015

Original: English

Committee on the Rights of Persons with Disabilities Thirteenth session

Summary record (partial)* of the 190th meeting

Held at the Palais Wilson, Geneva, on Thursday, 9 April 2015, at 3 p.m.

Chairperson: Ms. Cisternas Reyes

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(continued)

Initial report of the Cook Islands

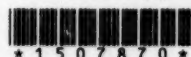
* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention *(continued)*

Initial report of the Cook Islands (CRPD/C/COK/1; CRPD/C/COK/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Cook Islands took places at the Committee table.*
2. **Mr. Glassie** (Cook Islands), introducing his country's initial report (CRPD/C/COK/1), said that positive developments over the past decade in the realization of the rights of persons with disabilities included the translation of the Convention and disability legislation and policies into the local Maori language and the strengthening of the capacity of service providers and the National Disability Council; those steps forward demonstrated the increased awareness of disability in the Cook Islands.
3. The Cook Islands, with a resident population of 12,400, was regarded as a leader on disability matters in the Pacific Islands region. Financial and technical support from the Governments of New Zealand and Australia, the Secretariat of the Pacific Community, the Pacific Islands Forum Secretariat and the United Nations Economic and Social Commission for Asia and the Pacific had helped the country to make significant progress in respect of disability rights even before ratifying the Convention and the Optional Protocol thereto, in 2009.
4. Since the submission of its initial report, the Cook Islands had introduced the National Inclusive Education Strategy 2011–2016, included disability in the National Sustainable Development Plan 2011–2015 and women and girls with disabilities in the National Gender Equality and Women's Empowerment Policy 2011–2016, and addressed discrimination against persons with disabilities in the workplace in the Employment Relations Act 2012. In addition, the principles of the Convention were reflected in the Education Act 2012 while the draft ageing policy covered disability. As part of the modernization of the Crimes Act 1969, derogatory language had been removed from the text. The Family Law Bill was expected to give legal effect to child protection provisions in the Convention on the Rights of the Child, including protection for those who were dependent on others for help with daily living because of a disability.
5. The Cook Islands Integrated National Strategic Plan for Sexual and Reproductive Health 2014–2018 provided, inter alia, for training for health-care providers on the requirements of persons with special needs and their families. Drafting of the Cook Islands mental health policy was under way. A caregivers' allowance had been introduced for those caring for persons with disabilities, and the Government provided special means-tested assistance on a case-by-case basis to older persons and persons with severe disabilities to improve accessibility and mobility. Media campaigns were conducted on the rights of persons with disabilities.
6. The new Cook Islands Policy on Disability Inclusive Development 2014–2018, which was subject to Cabinet endorsement, was in line with the Convention, the Incheon Strategy to Make the Right Real for Persons with Disabilities in Asia and the Pacific, and the Pacific Regional Strategy on Disability. The goal of the Policy was to improve the quality of life and realize the rights of persons with disabilities by empowering them and facilitating their inclusion and participation in all aspects of life. The Policy comprised nine priority areas with a range of activities under each one: awareness and advocacy on the rights of persons with disabilities; support to families, caregivers and self-help groups; education and training, cultural life, leisure, recreation and sports; rehabilitation; early identification and intervention; livelihoods; data and research; partnership, coordination, and mainstreaming disability-inclusive development within the Government and civil

society; and women and girls with disabilities. Measures provided for under the Policy included updating legislation to bring it into line with the Convention, enhancing the services of disability centres on the outer islands, providing vocational training for income generation, increasing access to appropriate assistive devices, promoting employment in the private sector with reasonable accommodation as required, ensuring that disaster risk reduction planning and management were disability inclusive, and establishing a working group on women and disability.

7. Awareness training on the Convention had been conducted on three islands by the Ministry of Internal Affairs and the National Disability Council, with the participation of government officials, community leaders, civil society, service providers, students, persons with disabilities and their families. The database framework for the collection of data on persons with disabilities was currently being modified; it was expected that the data would be disaggregated by age, sex, form of disability, geographic location and socioeconomic background. Given the challenges faced by the Cook Islands, which included a declining population, diseconomies of scale and a lack of resources and capacity, it would look to its development partners to assist it in making further progress.

8. **Ms. Kingston** (Country Rapporteur) said that the Cook Islands was to be commended on the National Disability Policy and Action Plan 2008–2012, which had fully embraced the spirit of the Convention. The Committee very much looked forward to the forthcoming replacement policy and action plan, and it welcomed the fact that the Convention had been translated into the local Maori language and widely disseminated.

9. Noting that one of the objectives of the Island Government Act 2012-13 was to encourage community participation in the governance of each island, she said that the Committee would very much like to see persons with disabilities involved in that process. In that connection, it applauded the “To be seen, heard and counted” campaign, aimed at making persons with intellectual disabilities feel included in society. If the situation of persons with disabilities in the Cook Islands was to be improved, they must be routinely invited to participate in decisions affecting them and in shaping disability policy.

10. The number of persons with disabilities who left the State party, either temporarily or permanently, in order to seek accessible and inclusive education and health-care services in New Zealand because of inadequate provision in the Cook Islands was a cause for concern, since, if persons with disabilities left the islands, there would no longer be any incentive to improve service provision and conditions.

11. She was surprised at the lack of accessible information and communications, in particular the lack of trained sign language interpreters for deaf persons, of Braille and audio facilities for blind persons and of easy-to-read formats for persons with intellectual disabilities. Basic provision of assistive devices also seemed to be lacking and overly dependent on overseas development assistance and the voluntary sector. Although the population of deaf and blind persons in the Cook Islands might be small, there was still a need to ensure the participation of every individual; by failing to do so, the Cook Islands was losing its citizens to New Zealand and Australia and with them the richness and diversity of the population.

12. Early identification and intervention for children with disabilities was critical. There appeared, however, to be a lack of coordination for a coherent and effective approach in that area, with no set procedures in place for referrals to paediatric specialists or data collection. It was to be hoped that, as a result of the current family and criminal law reform process, corporal punishment of children, which was still lawful in the home, would be prohibited in all settings at all times.

13. It seemed that persons with disabilities were often not aware of their rights and did not know how to make complaints in case of violations of those rights. While it was

commendable that the concept of "reasonable accommodation" had been incorporated in the Disability Act 2008, the definition was not compliant with the Convention, and the law's stipulation that "reasonable accommodation cannot be applied to fundamental rights" was a matter of great concern. Those were the very rights to which reasonable accommodation must apply, and denial of reasonable accommodation must be explicitly recognized as disability-based discrimination.

14. Women and girls with disabilities were apparently not fully included in society and had poor outcomes in education and employment, especially in the outer islands. For women and girls with disabilities who experienced violence, there seemed to be a lack of counsellors specifically trained to communicate with and assist them, and there were no places of safe shelter.

15. Persons with disabilities were very reliant on family members for personal assistance, rather than having the freedom and budget to choose an assistant of their own. There appeared to be a lack of professional support, as well as the potential for families to abuse the allowance paid to persons with disabilities. Accessible footpaths, street signage, pedestrian crossings and toilets were reportedly also lacking.

16. She was concerned about the high level of intentional self-harm, including suicide, among younger people in the Cook Islands. Community-based support systems across all the islands were essential for psychosocial well-being. Lastly, given that the State party's legislation still allowed for substitute decision-making for persons with psychosocial or intellectual disabilities, she would be interested to hear about any plans to amend it so as to support persons with disabilities to make their own decisions about their own lives.

Articles 1-10

17. **Mr. Tatié** noted that, although the Disability Act provided for the possibility of lodging complaints of disability-based discrimination, no complaints had yet been submitted. He asked what plans were in place to raise awareness and build capacity among persons with disabilities so that they could make use of that legal remedy. In the same vein, he would be interested to hear how the system of fines for failure to apply accessibility standards was implemented in practice. He would also welcome updated information on specific measures to make pavements and pedestrian crossings in urban areas accessible and further details on the accessibility of sea and air transport.

18. **Mr. Langvad** asked what initiatives were taken to ensure that persons with disabilities or their representative organizations were systematically consulted on disability-related issues and how more vulnerable groups of persons with disabilities, such as deaf-blind persons and persons with psychosocial or intellectual disabilities, were included in decision-making processes. In that connection, he would be interested to know more about funding for organizations of persons with disabilities to enable them to effectively fulfil their role as partners in developing disability policy and tackling disability-related issues in all parts of the Cook Islands, including the most remote islands.

19. He would appreciate information on mechanisms to receive complaints concerning denial of reasonable accommodation and on the steps taken to raise awareness among persons with disabilities of what constituted disability-based discrimination. He also wished to know how children with disabilities were given the opportunity to express themselves. He wondered whether persons with disabilities in all areas of the Cook Islands had access to helplines providing guidance and advice.

20. With regard to accessibility, he asked how the State party ensured that persons with disabilities, regardless of their impairment, were able to travel between islands by air and sea, with the help of a personal assistant if necessary.

21. Lastly, he enquired what measures the State party was taking to ensure that corporal punishment of children or adults with disabilities was not the result of a lack of knowledge or awareness on the part of parents, teachers or others of the particular behaviours associated with impairments such as autism and with developmental or psychosocial disabilities.

22. **Ms. Degener** asked whether the State party adopted a twin-track approach to tackling multiple discrimination against women with disabilities by, on the one hand, mainstreaming such women in national gender policies and, on the other, establishing specific protection programmes for them. She enquired how the State party ensured that children with disabilities were protected from abuse, neglect and violence and what was being done to make sure that officials were qualified to work with and protect the rights of such children.

23. **Mr. Buntan** asked how, given the small size and dispersed nature of the Cook Islands population, the State party was able to ensure the provision of effective, quality services for persons with disabilities, in line with the Convention, while maintaining a community-based approach, and how persons with disabilities and their representative organizations were involved in that process. He also wished to know how the State party intended to strengthen and increase the participation of persons with disabilities, through their representative organizations, in the work of decision-making bodies.

24. **Ms. Peláez Narváez** said that the Committee shared the concern expressed in the concluding observations of the Committee on the Rights of the Child on the initial report of the Cook Islands to that body (CRC/C/COK/CO/1) about social attitudes in the State party towards children with disabilities, particularly girls, which prevented such children from expressing their opinions, even within the family unit.

25. The Committee was also concerned about the right to life, survival and development of children with disabilities, given the remoteness and limited economic resources of the Cook Islands, and about respect for such children's civil rights and liberties, notably their right to privacy. She noted that many girls with disabilities who were victims of incest, sexual abuse or early pregnancy did not have recourse to social and welfare services and that families often decided not to report cases of sexual abuse to the authorities. She asked what legislation, policies and programmes the State party planned to adopt to ensure the protection of and respect for children with disabilities.

26. She enquired whether the State party had amended its definition of the child, as requested by the Committee on the Rights of the Child in its concluding observations, noting that a girl could be married at the age of 16 in the Cook Islands with her parents' consent.

27. **Ms. Quan-Chang** asked whether the State party intended to bring the definition of disability contained in the Disability Act and other domestic legislation into line with that in the Convention and what was being done to raise awareness among persons with disabilities of the Office of the Ombudsman.

28. **Ms. Kingston** said that she would appreciate information on awareness-raising training on disability rights, not only for persons with disabilities themselves and their representative organizations, but also for State officials, judicial personnel and employers. She asked whether the State party had taken steps to promote positive images of persons with disabilities. She also wished to know whether there were plans to provide training and information to members of the judiciary, the public and organizations of persons with disabilities on legal remedies that were available to victims of disability-based discrimination and on the Optional Protocol to the Convention.

29. She enquired whether the State party had any plans to repeal legislation that discriminated against persons on the grounds of disability, such as the Entry, Residence and Departure Act 1971-72, the Electoral Act 2004 and a number of other laws permitting substitute decision-making, involuntary confinement and forced treatment.

30. She asked whether the State party intended to set up a mechanism that would allow women and girls with disabilities to be formally consulted and to participate in the legislative and political spheres. Lastly, she requested information on funding for and accessibility of shelters for women victims of violence in the State party.

31. **Ms. Pavey** asked for information on any planned awareness-raising campaigns designed to change traditional attitudes towards persons with disabilities.

32. **Mr. Basharu** requested information on the portrayal of persons with disabilities in the media.

33. **The Chairperson**, speaking in her personal capacity, said that she would welcome further information on the Early Identification and Intervention project and on its results to date.

The meeting was suspended at 4.15 p.m. and resumed at 4.45 p.m.

34. **Ms. Henry** (Cook Islands) said that, in recent years, the authorities had adopted a more coordinated approach to dealing with child victims of sexual abuse. The Crown Law Office was responsible for prosecuting alleged perpetrators of such acts and the national police force for enforcing the Crimes Act. Other State agencies provided counselling services and safe houses for victims of abuse, working in partnership with NGOs. There had been a number of successful prosecutions of cases of child sexual abuse.

35. The judiciary in the Cook Islands comprised justices of the peace, who were laypersons. Most cases involving serious offences were therefore dealt with by judges who travelled from New Zealand for the purpose. National judicial officials, for their part, had received general training on human rights, provided by the Regional Rights Resource Team of the Secretariat of the Pacific Community.

36. Her Government intended to bring the definition of disability contained in domestic legislation into line with that in the Convention. The Entry, Residence and Departure Act was currently under review, and the problem of disability-based discrimination would be addressed as part of that process. The definition of the child varied from one piece of legislation to another, depending on the context. Amendments were required to bring the definition of the child contained in the Marriage Act into line with that in the Convention on the Rights of the Child.

37. Consultations were held with persons with disabilities, their families and their representative organizations concerning the development of policy and legislation on disability. So long as resources were available, such consultation would continue.

38. Under the Disability Inclusive Development Project, which received financial support from the Australian Government, civil servants, persons with disabilities and their families and organizations were provided with training on the Convention and information on the role of the Ombudsman, including instructions on how to lodge a complaint with his or her office. Organizations of persons with disabilities and disability centres offered assistance with that process. However, given the lack of complaints received thus far, there was clearly a need to ensure that persons with disabilities were better informed of their rights and of the legal remedies available to them.

39. The Early Identification and Intervention project had been set up, also under the Disability Inclusive Development Project, in an effort to minimize the incidence of disability. It brought together representatives of the ministries of education, health and

internal affairs, the National Disability Council and relevant service providers. The Education Act prohibited corporal punishment in educational establishments. However, her Government needed to examine the issue of the use of corporal punishment within the family unit.

40. The media promoted a positive image of persons with disabilities. A number of relevant documentaries, funded by external partners, had aired on national and regional television stations. The Ministry of Internal Affairs produced programmes intended to increase awareness of issues affecting persons with disabilities and of the facilities and services available to them.

41. Admittedly, more work was needed to ensure the accessibility of buildings and to incorporate provisions to that effect in the Building Code. Current shortcomings were partly attributable to the challenges stemming from the great distances between the islands and their relatively sparse populations.

42. In partnership with the New Zealand Government, core funding was provided for the National Disability Council and for disability learning centres on five of the outer islands. Through those funds, financial support was available to service providers and to programmes for physiotherapists and occupational therapists carrying out rehabilitation initiatives on the main island of Rarotonga and on the outer islands.

43. **Mr. Mitchell** (Cook Islands) said that air and sea passenger and cargo transport services to and from the outer islands were infrequent and expensive and that the remoteness and small populations of the islands did not justify more regular service. In those circumstances, there had, regrettably, not been adequate focus on ensuring the accessibility of transport services for persons with disabilities; that did not, however, preclude the introduction of necessary improvements in the future.

44. In conjunction with the telecommunications company of the Cook Islands, a helpline had been set up within the Ministry of Internal Affairs to provide emotional support, primarily to young people. Callers were put in touch, free of charge, with a trained counsellor in New Zealand.

45. **Mr. Glassie** (Cook Islands) said that, for the most part, on the outer islands extended families in villages voluntarily assumed responsibility for the care of their family members with disabilities. Organizations of persons with disabilities could request funding from government ministries, and his Government maintained standing requests for financial assistance for those organizations from international donors as well. Among the areas that his Government still needed to address were the provision of sign language and Braille facilities, the development of local, rather than international, expertise in counselling, and the training of sufficient professionals to provide all the necessary services for persons with disabilities.

Articles 11–20

46. **Mr. Al-Tarawneh** said that he was concerned at reports of the increasing vulnerability of people and development processes in the Cook Islands to natural and man-made disasters. He asked how the Government ensured that persons with disabilities were provided for in the National Action Plan for Disaster Risk Management 2009–2015.

47. **Mr. Tatić** asked whether, given the deeply-rooted role of the extended family in the Cook Islands, caregivers' allowances were paid to the families of persons with disabilities, rather than to the latter directly. He wondered whether such allowances were ever paid directly to caregivers who were not members of the right holder's family. Lastly, he wished to know what measures were taken to ensure that users of personal assistants, meaning persons with disabilities, had the opportunity to choose their personal assistant themselves.

48. **Mr. Langvad** said that one way to reduce the reliance of persons with disabilities on their extended families, accommodation in New Zealand or Australia, or placement in institutions or hospitals, would be for the Government to set up independent living schemes under which persons with disabilities could employ either family members or others living nearby as personal assistants, which would allow them to stay in their native villages on their home islands or freely to choose another place of residence. It might be helpful to organize awareness-raising on appropriate living arrangements for persons with disabilities and to take account of new technologies and other solutions when providing guidance in that regard.

49. **Mr. Buntan** suggested that the challenges facing the Cook Islands on account of the vast distances separating the islands might be seen as opportunities, and not necessarily as problems. He asked whether the Government had explored the possibility of obtaining accessible information and communication technologies as a way to improve the lives of persons with disabilities who preferred to live with their extended families in their own island communities, without forfeiting access to education, health or counselling services. The Cook Islands, as a country in which English was spoken, might be able to obtain information in alternative formats and accessible information and communication technologies from New Zealand or Australia quite easily, rather than develop its own systems. The latter option might not be cost-effective, owing to the absence of economies of scale in the Cook Islands. He wondered whether any consideration had been given to using those technologies as part of the national programmes on disaster risk reduction. The traditional care provided by the extended family might also be seen as an opportunity and not a problem if creative solutions could be found for its development as a new model of disability inclusion in the family and community.

50. **Mr. Kim Hyung Shik** said he was concerned that encouraging persons with disabilities to seek disability services in New Zealand or Australia could diminish the level of investment in those services in the Cook Islands. He was also concerned about the practice of assessing the mental health of immigrants before deciding whether to grant them entry to the country. Was that not a form of discrimination against persons with disabilities?

51. **Mr. Basharu** asked what specific measures were taken to provide support for persons with disabilities, especially blind and deaf persons and wheelchair users, in humanitarian emergencies.

52. **Ms. Degener** asked what plans the State party had to bring its legislation and practice into conformity with article 12 of the Convention with regard to the prohibition of substitute decision-making. The Committee's general comment No. 1 (2014) contained specific information on what it considered States parties' obligations to be under the article.

53. She wished to know what measures were being taken to address the fact that a high number of women with disabilities were subjected to violence, especially sexual violence. She enquired whether the Government was considering mainstreaming disability in its anti-violence programmes while at the same time taking specific action to protect women and girls with disabilities against all forms of violence. Had any consideration been given to revising the Criminal Code in order to expressly prohibit forced sterilization and forced abortion?

54. **Ms. Quan-Chang** said that she wished to know what possibilities existed for organizations of persons with disabilities to participate in or influence the allocation of budgets for policies, programmes and institutions that were intended for persons with disabilities. She asked whether, in the short or medium term, the Government envisaged prohibiting the institutionalization or deprivation of liberty of individuals with disabilities, primarily psychosocial disabilities.

55. **Ms. Peláez Narváez** asked for an example of specific measures the State party had taken to guarantee the right of children with disabilities to express their opinions and have them taken into account. She enquired whether there were plans to amend the Criminal Code so that it did not criminalize abortion in cases of rape or incest, a recommendation that had been made to the State party by other United Nations human rights treaty bodies.

56. **Mr. Pyaneandee** said that the small size of the Cook Islands population could be seen as an advantage in that it facilitated the task of awareness-raising regarding the rights of persons with disabilities. One of the State party's top priorities should be to bring its definition of disability into line with that in the Convention; once that had been accomplished, persons with disabilities could more easily assert their rights under national law, notably the right to access to justice. If the Government did envisage amending its definition of disability, he wondered what strategy it would use and when the amendment would be adopted.

57. **Ms. Kingston** asked whether the State party had any plans to repeal laws that permitted substitute decision-making, which restricted the access to the courts of persons with disabilities, and whether it intended to amend its legislation to enable supported decision-making. It was important to provide accessible information and communications, including sign language interpretation, along with physical access to the courts, legal aid and procedural accommodations, even if only one deaf person, for example, requested access to the courts. She would be grateful for additional information on the training provided to personnel in the justice, law enforcement and prison systems on the application of human rights standards for persons with disabilities, including those on reasonable accommodation, accessibility and procedural accommodations.

58. **The Chairperson**, speaking in her personal capacity, said the fact that judges from New Zealand travelled to the Cook Islands to hear cases seemed to suggest that legal training was not provided in the latter. If that was the case, there was a potentially adverse impact on access to justice for persons with disabilities. Similarly, she wished to know whether there were prisons in the Cook Islands and, if so, whether national prison staff were trained in the Cook Islands or abroad. She was concerned that the location of prisons and staff training facilities outside the country might impede the State party's ability to ensure that prison policies were consistent with its obligations to provide full accessibility and reasonable accommodation to persons with disabilities in prisons. She would welcome clarification of the kinds of procedural adjustments that were made for effective access to justice, aside from accessible formats of communication.

59. With regard to liberty and security of person, she wished to know whether there were effective legal safeguards for criminal defendants with disabilities who were brought to trial in the Cook Islands. Lastly, she would appreciate having the delegation's views regarding the provision made in the Cook Islands Entry, Residence and Departure Act that made it unlawful for any person who was "mentally defective" to enter the country, subject to determination by the Director of Health.

The discussion covered in the summary record ended at 5.50 p.m.



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities
Thirteenth session

Summary record of the 191st meeting

Held at the Palais des Nations, Geneva, on Friday, 10 April 2015, at 10 a.m.

Chairperson: Ms. Cisterna Reyes

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(continued)

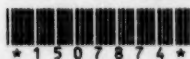
Initial report of the Cook Islands (continued)

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 35 of the Convention (continued)

Initial report of the Cook Islands (continued) (CRPD/C/COK/1; CRPD/C/COK/Q/1 and Add.1)

1. At the invitation of the Chairperson, the delegation of the Cook Islands took places at the Committee table.

Articles 11–20

2. **Ms. Numanga** (Cook Islands), replying to questions posed at the previous meeting, said that the Joint National Action Plan for Disaster Risk Management and Climate Change Adaptation 2011–2015 made specific provision for vulnerable groups, including older persons and persons with visual or mobility impairments. In partnership with the National Disability Council, the disaster risk management authorities had undertaken a mapping exercise to identify the locations of persons with disabilities on all inhabited islands of the archipelago, with a view to guaranteeing them the necessary assistance in the event of an emergency. Persons with disabilities had been interviewed as part of the exercise, and all data collected were being incorporated in the Cook Islands emergency management geoportal.
3. Her Government was aware of the need to align the definition of disability contained in national legislation with that in the Convention. Working groups were due to be established to coordinate the review process, and persons with disabilities and their organizations would provide key input.
4. Personal assistance of the kind envisaged under article 19 of the Convention was not currently available in the Cook Islands. The responsibility of care lay solely with family members, although caregiver and infirm allowances were paid subject to presentation of the required medical reports. However, her Government recognized the need to improve its services so that persons with disabilities could be educated, employed and included in community activities in their country of origin, instead of having to migrate to New Zealand or Australia along with their families, as was currently often the case.
5. **Ms. Henry** (Cook Islands) said that her Government had already begun reviewing the Entry, Residence and Departure Act 1971-72. The review process would address the provisions regulating the entry of persons with mental impairments, which currently required the approval of the health-care authorities.
6. To tackle issues of violence against persons with disabilities, her Government used a twin-track approach that combined disability-specific action by the Disability Division of the Ministry of Internal Affairs with action by mainstream bodies dealing with domestic violence. A family law bill providing comprehensive protection against all forms of violence in domestic settings was currently before the relevant select committee and, once passed, would empower the authorities to issue safety orders for the protection of vulnerable persons in such environments. The bill promoted an inclusive approach to problem resolution in which all family members, including children, could contribute to decision-making. The situation of persons with disabilities was addressed directly in specific provisions designed to guarantee their safety within the family unit and protect them against all forms of abuse, whether psychological or physical.
7. The Crimes Act 1969 had been extensively reviewed with assistance from the Attorney General's Office of Australia. Outdated provisions had been adjusted and an amendment bill was ready to be submitted to Parliament. However, although the merit of

waiving the absolute prohibition on abortion in cases where pregnancy was the result of sexual violence was acknowledged, and the possibility had been widely debated, abortion remained a criminal offence in the current text of the amendment bill. With regard to protection against forced sterilization, in cases where persons with disabilities required medical intervention the health authorities were required to follow rigorous informed consent procedures under which both patients and their guardians were consulted, in line with the constitutional provisions on protection against cruel and unusual treatment.

8. With regard to the use of substitute decision-making in judicial proceedings, she wished to clarify that persons with mental impairments were guaranteed access to justice but that, if they did not have legal counsel, the courts were empowered to appoint a legal officer to represent their interests. Although there were currently no plans for legislative change, the Ministry of Internal Affairs recognized the importance of awareness-raising and advocacy in respect of supported decision-making for persons with disabilities and would continue to ensure that their right to equality before the law, as established in article 64 of the Constitution, was respected. In cases where persons with disabilities faced criminal charges, the authorities adopted a tightly coordinated approach in which various key agencies, including the Ministry of Internal Affairs, the Crown Law Office, the police force, the probation service and the NGO Punanga Tautura Incorporated, were involved.

9. Although the Cook Islands had its own prison service and the Constitution provided for the appointment of Cook Islands judges, currently the higher courts were presided over by retired judges from New Zealand. In addition to the ongoing training on human rights provided to all judges and justices of the peace, specialized training on domestic violence was made available, with support from the Pacific Prevention of Domestic Violence Programme. Furthermore, prison officers, probation officers and justices of the peace participated in training programmes offered by State agencies in Australia and New Zealand. She was not aware, however, of any programmes focused exclusively on the needs of persons with disabilities.

10. **Mr. Mitchell** (Cook Islands), countering the suggestion that persons with disabilities were somehow being encouraged to leave the Cook Islands to receive attention in New Zealand in order to alleviate the burden of responsibility on the State, said that, in reality, depopulation was a big problem. The lack of specialized medical services was just one of the manifold incentives to migration that his Government was endeavouring to remedy, despite its limited resources.

11. Government policy for access to information and communication technologies was outlined in the State party's replies to the list of issues (CRPD/C/COK/Q/1/Add.1). The Ministry of Education ran distance learning programmes, including specific inclusive learning programmes for children with disabilities living on the outer islands, while the University of the South Pacific offered satellite and off-campus inclusive learning programmes for older students.

12. Although expanding rapidly, Internet and mobile telephony services remained a monopoly business, a situation which kept costs among the highest in the Pacific region. The fact that English was not always the first language on the outer islands, where various Maori dialects were spoken, and that the populations of those islands were very small was also a considerable practical impediment. However, his Government was fully aware of the potential benefits of emerging technologies for persons with disabilities and would give the Committee's suggestion regarding the use of existing systems from New Zealand or Australia due consideration.

Articles 21-33

13. **Mr. Tatić** asked whether the delegation could share some information about the accessibility of tourism in the Cook Islands. He encouraged the State party to investigate the possibility of using different sources of international aid to help to develop the specialized services that were vital to its efforts to curb depopulation. In that connection, he asked how the Government ensured that all international aid received was provided in an accessible and inclusive manner.

14. **Mr. Buntan**, noting that access to Braille materials produced in Australia and New Zealand would be very beneficial to people in the Cook Islands even though it was not an exclusively English-speaking nation, given the constraints on local production, asked whether the State party planned to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled in order to enhance access to education and employment for persons with disabilities, and, if so, when it would do so.

15. He said that he would welcome additional information about the role of the Government's focal point for disability. In particular, he wished to know whether it was an interministerial body and whether it was required by law to include members of representative organizations of and for persons with disabilities in its work. He was aware that complaints regarding discrimination could be filed with the Ombudsman and wondered whether the Ombudsman played a role in monitoring the effective implementation of the Convention in the Cook Islands.

16. **Mr. Kim Hyung Shik** said that it seemed to him as if the conceptualization of rehabilitation services in the Cook Islands was informed largely by medical models of disability. He wondered how comprehensive the State party's rehabilitation services were, as it could not be easy to set up community-based rehabilitation programmes on sparsely populated islands scattered over a large expanse of ocean. Lastly, he invited the delegation to comment on whether the medical treatment of disability would be supplemented by vocational rehabilitation, which would facilitate the employment of persons with disabilities.

17. **Ms. Degener**, noting that access to education and the quality of education were reported to vary greatly from one island to another, said she would appreciate further information on the measures taken by the Government to ensure equal educational opportunities for students on all the State party's islands. In common with many other countries with small populations, the Cook Islands did not have the large institutions and special schools that the Committee regarded as an impediment to the enjoyment of human rights by persons with disabilities. She nonetheless wished to know whether the Government viewed segregated education as a form of discrimination.

18. **Ms. Peláez Narváez** requested confirmation that all persons with disabilities in the Cook Islands, including persons with intellectual or psychosocial disabilities, had the right to marry and form a family. She asked whether the Government planned to offer longer maternity leaves, in particular for mothers who themselves or whose children had disabilities. Regarding article 24, she wished to know what measures the Government intended to take to ensure that children with disabilities attended school. She also wished to know what steps had been taken to meet the needs of what the Committee on the Rights of the Child had referred to in its concluding observations on the initial report of the Cook Islands (CRC/C/COK/CO/1) as a growing number of children in need of mental health assistance. Lastly, since the State party did not have specialized sexual and reproductive health services for adolescents, she wondered what steps it envisaged taking to deal with its high rates of teenage pregnancy.

19. **Mr. Langvad** asked when the Cook Islands planned to ensure that all persons, including those considered to be of unsound mind, could exercise their right to vote. He enquired what the current level of caregivers' allowance was and what other payments persons with disabilities could receive to cover disability-related expenses. Since educating children with disabilities made them the smallest burden possible on the State party's economy, it would be interesting to hear how teachers were trained to deal with such children in mainstream schools and whether that training took place throughout the Cook Islands, through distance learning or in Australia and New Zealand. He asked how much money was spent not only making school facilities physically accessible, but also providing sign language interpretation for the few students who needed it. Lastly, he noted that the State party's ability to draw on the large body of supported communication material developed in English gave it a considerable advantage.

20. **Mr. Basharu** asked how the State party could use its relationship with New Zealand to strengthen its organizations of and for persons with disabilities, whose members were often required to travel to New Zealand to seek funding and partnership opportunities. He requested a time frame for achieving what had been set out in paragraphs 137 to 143 of the State party's initial report regarding the implementation of article 21 of the Convention. He enquired what measures were being taken or were planned to provide adequate, effective and accessible health-care services for persons with disabilities and whether sign language interpretation was available for deaf persons in medical centres.

21. **Ms. Kingston** asked whether the State party had taken any measures to facilitate the difficult transition of persons with disabilities from education to the open labour market. She wished to know whether they could really choose their own professions and whether there were any laws prohibiting employment-related discrimination on grounds of disability. Regarding library collections in the Cook Islands, she wondered whether they included books in easy-to-read formats, for example, or digital resources accessible to persons with disabilities.

22. She welcomed the Government's plan to develop a comprehensive statistical database. In that connection, she wished to know whether the State party's census questionnaire elicited the responses that made possible an accurate depiction of what had been described as complex population movements. Lastly, she would appreciate additional information on the timeline for implementation of the Disability Inclusive Development Policy and the planned involvement of persons with disabilities themselves in monitoring the progress made.

23. **The Chairperson**, speaking in her personal capacity, noted that the delegation had yet to provide information on the procedure that applied when a person who had been found to lack legal capacity by reason of a psychosocial or intellectual disability was involved, as perpetrator or accessory, in criminal proceedings. She asked whether plans to decriminalize sexual intercourse with any woman or girl who was an "idiot or imbecile" were not tantamount to legalizing rape. Lastly, she enquired what measures were being considered to ensure that persons with disabilities, who were often required to vote in the presence of a returning officer, could exercise their right to cast a secret ballot.

The meeting was suspended at 11.10 a.m. and resumed at 11.35 a.m.

24. **Ms. Numanga** (Cook Islands) said that the Ministry of Internal Affairs took a cross-sectoral approach to its work as the Government's focal point for disability, coordinating relevant programmes in cooperation with the other ministries, the Office of the Prime Minister and the National Disability Council. The Ministry would designate the independent mechanism to monitor the implementation of the Convention. Needless to say, persons with disabilities, as well as the National Disability Council, would be very much

involved in the designation of the mechanism and in its work. The mechanism was expected to be in place by late 2016.

25. Although it was true that methods of treating persons with disabilities in the Cook Islands had traditionally been medically-based, community-based rehabilitation that would make it possible to address social issues was being introduced.

26. The Ministry of Education ensured that instructional materials were sent to schools on the main island and the outer islands. They were flown to the larger and more heavily populated islands of the Southern Group and sent by ship, when space was available, to the sparsely populated atolls of the Northern Group. Her Government regarded school segregation as a form of discrimination. For that reason, the policy of the Ministry of Education was to include children with disabilities in mainstream schools. Teachers' aides helped facilitate that process. In addition, the Ministry's inclusive education adviser ran regular training sessions on disability issues for teachers. No figures were available on the proportion of the national budget allocated to inclusive education. Her Government acknowledged, however, that more funding was required for International Sign interpretation in classrooms and for reading materials in Braille, not only in schools, but also in public libraries.

27. The policy on mental health that was currently being developed would address issues affecting both adolescents and adults. Nurses visited schools, providing children with disabilities with the services they needed. The Cook Islands had a reproductive health strategy under which services were provided to women and girls with disabilities on an equal basis with others.

28. There were no immediate plans to amend the Electoral Act 2004 in order to provide for voting secrecy for persons with intellectual or psychosocial impairments. They would therefore continue to be accompanied by a returning officer when casting their ballots.

29. The monthly allowances paid to caregivers and to persons with disabilities themselves amounted to 165 New Zealand dollars each. Other financial assistance was available, including help with the purchase of wheelchairs and assistive devices where possible. In addition, her Government disbursed grants for the building of accessible toilet and bathroom facilities and the installation of ramps and railings in residential homes.

30. Her Government acknowledged the importance of sign language and Braille for persons with hearing and visual impairments, respectively, and also the current scarcity of relevant services. Despite its limited resources, it would endeavour to investigate external sources of potential support, including the possibility of bringing in professional trainers from overseas. She could not, however, give any indicative time frame for that exercise.

31. With regard to data collection, the national census would contain questions on disability and the resulting disaggregated data would be included in the national disaster management disability mapping database. The Disability Inclusive Development Policy would run until 2019 and was designed to improve disability mainstreaming in government policy. The information contained in the database to be established under the Policy would be readily accessible by all ministries for use in policy development, but confidentiality of personal information would be maintained.

32. **Ms. Henry** (Cook Islands) said that measures had been taken to ensure effective access to justice for persons with disabilities on an equal basis with others and to safeguard criminal defendants with disabilities, including the provision of procedural and age-appropriate accommodations and of free legal aid for vulnerable persons without legal representation. The review of the Crimes Act had included a robust consultation process involving NGOs and civil society. The Crimes Act Amendment Bill 2013 would address any lacunae in the existing legislation. Pursuant to the Bill, disability of the victim would be

regarded as an aggravating circumstance in respect of sexual offences. A special division of the police force dealt with domestic violence and provided support to victims with disabilities.

33. With regard to education, she wished to highlight the steps taken to introduce e-learning courses for children, including those with disabilities, living on the more remote islands. More work was required, however, to address the disparity in resources between Rarotonga, the main island, and the other islands.

34. Children in the Cook Islands were brought up by their parents, extended families and local communities. That communal approach to child-rearing allowed women, including those with disabilities, to travel to Rarotonga for employment while their children remained on their respective home islands. All women, including those with disabilities, were entitled to six weeks' paid maternity leave under the Employment Relations Act 2012, and public servants were also entitled to other types of leave, such as compassionate and special leave.

35. The Employment Relations Act expressly prohibited discrimination on grounds of disability. The Ministry of Internal Affairs had taken steps to facilitate the transition of persons with disabilities from education to the labour market and conducted regular public awareness-raising campaigns on their rights in the workplace.

36. **Mr. Mitchell** (Cook Islands) said that citizens of the Cook Islands were open and welcoming and would spare no effort to ensure that tourists with disabilities fully enjoyed their visit to the country. Further information on specific measures taken by the Tourist Board to ensure that persons with disabilities had access to sporting, recreational and tourism venues would be provided at a later date. His Government would seek to strengthen its partnerships and cooperation with New Zealand and Australia so as to improve access to alternative means of communication for persons with disabilities and would strongly consider ratifying the Marrakesh Treaty.

37. **Ms. Numanga** (Cook Islands) stressed that persons with disabilities were highly valued members of society in the Cook Islands and that her Government was fully committed to implementing the Convention. The Cook Islands was a small State with limited resources, but every effort would be made to mainstream disability in national policies and involve a wide range of stakeholders in the implementation of national disability programmes.

38. **Ms. Kingston** (Country Rapporteur) thanked the delegation for the constructive and open dialogue. She said that developments such as the recent organization of Braille and International Sign training sessions and the updating of national legislation were most welcome, as was the Government's willingness to explore the professionalization of personal assistance, although further efforts would be required to secure full compliance with the Convention. She emphasized the importance of tackling depopulation and urged the State party to share lessons learned with other countries experiencing similar difficulties, such as Greenland, noting that a balance must be struck between preserving the rich island culture and heritage of the Cook Islands and promoting and protecting the rights of persons with disabilities.

39. **The Chairperson** said that she welcomed the State party's proactive approach to disability issues and looked forward to receiving additional written replies in due course, particularly information concerning the accessibility of the tourism sector.

The meeting rose at 12.25 p.m.